AMHERST COLLEGE
310212 3111 4592 3

1043

MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

MAR 3 1971
LIBRARY

HEARINGS

BEFORE THE

SUBCOMMITTEE ON MIGRATORY LABOR

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST AND SECOND SESSIONS

ON

MANPOWER AND ECONOMIC PROBLEMS

APRIL 15, 1970

PART 7–B

Printed for the use of the Committee on Labor and Public Welfare

MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON MIGRATORY LABOR

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST AND SECOND SESSIONS

ON

MANPOWER AND ECONOMIC PROBLEMS

APRIL 15, 1970

PART 7-B

Printed for the use of the Committee on Labor and Public Welfare

U.S. GOVERNMENT PRINTING OFFICE
36-513 O WASHINGTON : 1971

COMMITTEE ON LABOR AND PUBLIC WELFARE

RALPH YARBOROUGH, Texas, *Chairman*

JENNINGS RANDOLPH, West Virginia
HARRISON A. WILLIAMS, JR., New Jersey
CLAIBORNE PELL, Rhode Island
EDWARD M. KENNEDY, Massachusetts
GAYLORD NELSON, Wisconsin
WALTER F. MONDALE, Minnesota
THOMAS F. EAGLETON, Missouri
ALAN CRANSTON, California
HAROLD E. HUGHES, Iowa

JACOB K. JAVITS, New York
WINSTON L. PROUTY, Vermont
PETER H. DOMINICK, Colorado
GEORGE MURPHY, California
RICHARD S. SCHWEIKER, Pennsylvania
WILLIAM B. SAXBE, Ohio
RALPH TYLER SMITH, Illinois

ROBERT O. HARRIS, *Staff Director*
JOHN S. FORSYTHE, *General Counsel*
ROY H. MILLENSON, *Minority Staff Director*
EUGENE MITTELMAN, *Minority Counsel*

SUBCOMMITTEE ON MIGRATORY LABOR

WALTER F. MONDALE, Minnesota, *Chairman*

HARRISON A. WILLIAMS, JR., New Jersey
EDWARD M. KENNEDY, Massachusetts
ALAN CRANSTON, California
HAROLD E. HUGHES, Iowa

WILLIAM B. SAXBE, Ohio
GEORGE MURPHY, California
RICHARD S. SCHWEIKER, Pennsylvania
RALPH TYLER SMITH, Illinois

BOREN CHERTKOV, *Counsel*
EUGENE MITTELMAN, *Minority Counsel*

Format of Hearings on Migrant and Seasonal Farmworker Powerlessness

The Subcommittee on Migratory Labor conducted public hearings in Washington, D.C., during the 91st Congress on "Migrant and Seasonal Farmworker Powerlessness." These hearings are contained in the following parts:

Subject matter	*Hearing dates*
Part 1: Who Are the Migrants?	June 9 and 10, 1969
Part 2: The Migrant Subculture	July 28, 1969
Part 3–A: Efforts To Organize	July 15, 1969
Part 3–B: Efforts To Organize	July 16 and 17, 1969
Part 4–A: Farmworker Legal Problems	Aug. 7, 1969
Part 4–B: Farmworker Legal Problems	Aug. 8, 1969
Part 5–A: Border Commuter Labor Problem	May 21, 1969
Part 5–B: Border Commuter Labor Problem	May 22, 1969
Part 6–A: Pesticides and the Farmworker	Aug. 1, 1969
Part 6–B: Pesticides and the Farmworker	Sept. 29, 1969
Part 6–C: Pesticides and the Farmworker	Sept. 30, 1969
Part 7–A: Manpower and Economic Problems	April 14, 1970
Part 7–B: Manpower and Economic Problems	April 15, 1970
Part 8: Who Is Responsible?	July 20, 21, and 24, 1970

CONTENTS

CHRONOLOGICAL LIST OF WITNESSES

WEDNESDAY, APRIL 15, 1970

	Page
Sturt, Daniel, director, Rural Manpower Center, Michigan State University	4527
Gnaizda, Robert, deputy director, California Rural Legal Assistance, San Francisco, Calif	4589

STATEMENTS

Gnaizda, Robert, deputy director, California Rural Legal Assistance, San Francisco, Calif	4589
Prepared statement, with attachments	4590
Migrant Research Project, Washington, D.C., prepared statement	4822
Sturt, Daniel, director, Rural Manpower Center, Michigan State University	4527
Prepared statement, with attachments	4565
Trout, Grafton, professor of sociology, Michigan State University, East Lansing, Mich., comprehensive statement	4533

ADDITIONAL INFORMATION

Articles, publications, etc.:	
"Agribusiness, U.S.A.: Management Responsible Only to Itself," by A. V. Krebs, Jr	4754
"Alternative Policies for Increasing the Earnings of Migratory Farm Workers," by Herrington J. Bryce, member, research staff, the Urban Institute, Washington, D.C., and member, economics faculty, Clark University, Massachusetts, reprinted from Public Policy	4707
"Human Relations on Michigan Fruit and Vegetable Farms," excerpts from, by Maurice E. Voland, Department of Sociology, Michigan State University	4579
"In Aid of the Mexican-American: A Proposal To Aid Mexican-American Farm Workers," by Mark Erenburg, Department of Economics, Indiana University, Bloomington, Ind	4775
"Labor Waste in New York: Rural Exploitation and Migrant Workers," by William H. Friedland, reprinted from Trans-action	4747
"Mexican Immigration and American Labor Demands," by Julian Samora and Jorge Bustamante	4783
"The Measurement and Interpretation of the Earnings of Migratory Farm Workers," by Herrington J. Bryce, member, research staff, the Urban Institute, Washington, D.C., and member, economics faculty, Clark University, Massachusetts	4725
Selected court briefs	4604

MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

Manpower and Economic Problems

WEDNESDAY, APRIL 15, 1970

U.S. SENATE,
SUBCOMMITTEE ON MIGRATORY LABOR
OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met at 9:30 a.m., pursuant to recess, in room 4232, New Senate Office Building, Senator Walter Mondale (chairman of the subcommittee) presiding.

Present: Senator Mondale.

Committee staff members present: Boren Chertkov, majority counsel; Dr. Mark Erenburg, economic consultant, and Eugene Mittelman, minority counsel.

Senator MONDALE. The subcommittee will come to order. This morning we continue our investigation of economic and manpower problems of farmworkers.

Our first witness this morning is Dr. Daniel Sturt, director of the Rural Manpower Center, Michigan State University, East Lansing, Mich.

We appreciate having you here this morning. Do you have a written statement? You may proceed as you wish.

I might note, Dr. Sturt, that this subcommittee's work has been plagued from the beginning by the space program, and that explains the sparse crowd in the hearing room this morning. One of our earlier hearings was the morning of the first moonshot, and our opening witness was scheduled to start the same moment as blastoff. Now, some of the Nation's attention is turned to the aborted moonshot. Many newsmen think that is more interesting than what we have to say.

I don't know if there is any correlation or not between migrant farmworker problems and moonshots.

STATEMENT OF DANIEL STURT, DIRECTOR, RURAL MANPOWER CENTER, MICHIGAN STATE UNIVERSITY

Dr. STURT. I am sure that the news on the space program is very difficult to compete with these days.

I have a statement that I would like to submit as well as a variety of publications out of the Rural Manpower Center at Michigan State. I believe we are the only rural manpower center in the United States.

Senator MONDALE. Proceed with your statement, and we will include such parts as you think appropriate in the record at the close of your remarks, and possibly some of the exhibits will be retained in the official files of the subcommittee.

Dr. STURT. In the interest of time it might be a good idea to simply sketch down through a statement which I prepared and I believe you have in front of you now on some migrant worker needs.

Senator MONDALE. Very well.

Dr. STURT. There is a quiet crisis smoldering in rural America. Changes in the economic, political, and social organization in rural areas have resulted in low returns for resources and low levels of living. The migratory farmworker is caught up in these changes. Many migratory farmworkers, farm operators and rural nonfarm residents are a part of the rural poor, the silent minority in our society that are, in truth, the people left behind.

To understand the problems confronting the migratory worker, one must consider what is happening in rural America generally, the impact of agricultural technology upon rural people and the inadequacy of rural institutions in helping rural people solve their problems. There are, of course, a special set of problems associated with the migrancy of farmworkers. However, many of the problems confronting migrants are representative of what is happening to agricultural manpower in general, and what is happening to rural people.

The American public has long been enamored with the marvels of agricultural technology and the cheap food that this technology has made possible. The agricultural establishment, spearheaded by the USDA and its land-grant university affiliates, has carried out a massive research and education effort which has made it possible for American farmers to supply the food and fiber requirements of American consumers at relatively low prices. The enthusiastic public support for cheap food policies has tended to place such policies above questioning.

The cost of cheap food is greater than it at first appears. Among other considerations, the cost of cheap food must be measured in terms of what happens to the people involved in the production of this food and what happens to the rural communities where these people live. From the overview, it would appear that the cost is high indeed. The human fallout from unbridled technological innovation includes, among others, many migratory workers.

This is, I might add, the position that the rural manpower center has taken and it essentially sets the tone for my statement here today.

Perhaps we can skip over the structure of the hired farm work force. In looking at some of the other testimony, that has been presented here, I notice that this data has already been included. In looking at the structure of the hired farm work force, one recognizes that migrant workers are part of the seasonal farm work force, which is in turn part of the hired farm work force, which in turn is part of rural manpower.

There are three migratory worker streams. This has been well documented.

Many of the so-called social problems associated with the migrant movement of farmworkers—health, education and other problems—are due to the fact that our society is not geared to accommodate farmworkers on the move. Also, community discrimination is a serious problem as migrants seek to obtain services provided for others more permanently located, more readily accepted and accommodated in rural communities. The relatively low status of farm work affects all hired farmworkers, particularly seasonal workers on the move.

TECHNOLOGY AND THE FUTURE DEMAND FOR SEASONAL WORKERS

Mechanization and new technology, particularly in the harvesting of fruits and vegetables, is rapidly reducing the requirements for seasonal farmworkers. The rural manpower center task force, estimating the number of farmworker jobs which will be displaced by 1975 in the harvesting of fruits and vegetables in the United States, has indicated that there will be some 250,000 fewer jobs in 1975 than 1968.

Senator MONDALE. Are you referring to rural employment job losses?

Dr. STURT. Yes, sir.

Senator MONDALE. Migrants?

Dr. STURT. What?

Senator MONDALE. Are you saying 250,000 fewer jobs for migrants?

Dr. STURT. Seasonal farmworkers. One of the problems in dealing with migrant problems is that we get into a semantics hassle over the difference between seasonal farmworkers and migrant farmworkers.

Senator MONDALE. I ask that because yesterday USDA testified there was an estimated 250,000 migrants, but you are referring to total rural employment.

Dr. STURT. I am talking about in harvesting of fruits and vegetables. We went through the crops and made estimates of acreages. We spent a year looking at technology relative to each one of these crops.

Senator MONDALE. These are projections that your task force made?

Dr. STURT. The USDA representative probably used the same data, because we have been working with the USDA. I think this is conservative, incidentally. This includes 53,000 fewer harvest jobs in California, 50,774 fewer in Oregon, 35,782 fewer in North Carolina, 19,497 fewer in Michigan, 18,271 fewer in Washington, and 13,553 fewer in Texas. I feel that these estimates are conservative. Many of these jobs will be those involved in the harvest of grapes, bush and pole beans, and cucumbers. The 1968 seasonal peak employment by crop and State is indicated in tables 2 and 3 of the prepared statement.

Senator MONDALE. What about employment in sugar beets? I understand there is a new mechanical harvester being developed.

Dr. STURT. No, there is not, but the sugar beet situation is a special story. There is no really fantastic breakthrough relative to sugar beets. We have had new technology all along and more farmers are beginning to use it.

Senator MONDALE. Yesterday the Department of Agriculture made their first projections about job losses. They never before made such projections.

Dr. STURT. On sugar beets?

Senator MONDALE. On anything. To this date, we did not know what the labor supply and demand market is going to be in the future, and I am not sure we know now.

Dr. STURT. There was a USDA person involved in our task force study.

Senator MONDALE. But the Department has not done this before. They only recently have concluded that, "We estimate now 12,000 or 14,000 less migrants will be employed in sugar beets this year."

That was their biggest, most dangerous, and bravest projection. You say you do not see such a possibility?

Dr. STURT. Let me tell you the Michigan situation. I do not know about sugar beets outside of Michigan.

Senator MONDALE. The figures you used were from the rural manpower task force?

Dr. STURT. That is correct.

Senator MONDALE. And they did not project this kind of development in sugar beets?

Dr. STURT. The rural manpower task force is concerned with the harvesting of fruits and vegetabes. We did not get into sugar beets. If you want to know about sugar beets in Michigan, last year we hired about 4,500 people for thinning and weeding. This year probably it will be around 2,000.

The reason is no fantastic breakthrough in technology, other than the fact researchers have come up with what we call a preemergence spray that is used to inhibit weeds. The important thing is that farmers are now using more of this technology.

Sugar beets have been harvested mechanically for years. The migrants that are used in sugar beets are used primarily for weeding and thinning. There is a monogerm seed, which when used should take care of the thinning problem, for the most part.

We have, of course, various sprays. The most recent is this preemergence spray. One of the main reasons there will be fewer people used in Michigan in sugar beets is that the Michigan Sugar Co. is no longer hiring workers, but has placed this responsibility upon the individual growers and in the process individual growers are going to hire fewer workers.

I don't know whether this answers your question or not.

Senator MONDALE. Yes; thank you.

Dr. STURT. I have some material here on seasonal employment peaks but that is old data. Most important is the fact that the complementarity in employment will be significantly disturbed as new technology is introduced. Michigan is a good example.

Michigan has some 30 crops involving seasonal farmworkers. Usually farmworkers come to Michigan in May and June for work in harvesting strawberries and asparagus. From this work they move into the cherry and pickle harvests, which is followed by the tomato and apple harvests. This year most of the tart cherries and about 40 percent of the cucumbers will be harvested mechanically.

All crops considered, during the mid-season period from mid-July to mid-August there will be an estimated 10,000 fewer jobs. I am not saying 10,000 fewer workers. I am saying 10,000 fewer jobs. This creates a special set of problems for the workers, the growers, and for the communities involved.

We are trying to do something about this in Michigan.

Mechanization also creates new jobs. However, most migrants do not possess the skills to fill these jobs. A good cherry picker does not necessarily make a good cherry harvester operator. In fact, it would appear that most migrant workers do not possess the basic mechanization skills to successfully compete for these jobs, and they are being filled by local workers.

We have seen this happen right along.

THE MIGRANT IN TRANSITION

The migrant farmworker is but one part of the massive migration of people from rural to urban areas and from farm to nonfarm work. From 1960–66 the average annual net migration of farm people to urban areas was about 800,000, many of whom were farmworkers. For farmworkers the move to the cities has been more "push" than "pull." There was no other place to go. Migrant farmworkers have been caught up in this mass movement.

Agricultural economists have not recognized the "push" dimension in all of this. There is a great deal of difference between being attracted to a better job and being forced to leave with no job alternatives.

The hidden hardship in migration is the back-movement, where people move back and forth between geographical areas in search of work and an environment in which they feel culturally comfortable.

Dr. Dale Hathaway has done a good deal of research on back-movement; for every person that successfully moves there are several who move continuously back and forth and back and forth searching for this environment which is again culturally comfortable, searching for a job.

Senator Mondale. In other words, you are referring to migrants who are unhappy in the stream, and having difficulty making it. They are looking for something else out of the stream. But, on many occasions they will be disappointed, they will return to the migrant stream to try again. They go back and forth, in and out of the stream, is that it?

Dr. Sturt. That is right. But not just migrants. Migrants are part of this. I am concerned with migrants, of course, but I am concerned with rural people, and they are all a part of this pattern. They could be Appalachian people. They could be southern blacks or whites.

Senator Mondale. Of course, all those categories have migrants.

Dr. Sturt. In Michigan a study of the Mexican-American migrant in transition in which the various stages of transition have been explored indicates that some 1,000–1,500 Mexican Americans drop out of

the stream each year and attempt to settle in Michigan. Jobs, housing, kinship ties, and the like all play an important part in the settling out process.

After spending a couple of hours with Dr. Trout, I brought with me a comprehensive statement prepared by him on Mexican Americans in transition in the Midwest. You have this before you.

Senator MONDALE. We would like to print excerpts from that material in our record at this point in your remarks.

(The information referred to follows:)

Comprehensive Statement on Mexican-Americans in Transition in the Midwest by Professor Grafton Trout, Professor of Sociology, Michigan State University, East Lansing, Michigan

(1) Some Recommendations for Facilitating Settlement Out of the Migrant Stream

General comments. Changing residence from one region of the country to another and shifting from one occupation or industry or even one employer to another are each in themselves transitions of considerable stress to most families. Undertaking them concurrently, Mexican-American families moving into the Midwest, largely from Texas, face double difficulties compounded further by the families' large size and extremely low level of supporting resources commonly called upon during such transitions. Often the situation is further complicated by the family members' deficiency in English-language competence. Simultaneously, the family must find adequate housing, the male head and perhaps the wife and other members of the family must find new jobs, the children must enter new schools, food and clothing must be obtained from new sources, and, last but not least, new sustaining interpersonal and institutional affiliations must be formed, all in an unfamiliar environment. Even when the move is between communities of roughly similar size, they differ in many important respects. When the move is from rural or small communities or from the encapsulated "barrios" of San Antonio or medium-sized communities, the lack of experience in an urban-industrial milieu may be critical.

Since it may safely be predicted that employment opportunity and wage differentials will continue to exist and perhaps even widen between South Texas and the Midwest, it may also be predicted that the migration of Mexican-Americans in the Texas-Midwest channel will persist if not increase. Add to this the increasingly rapid displacement by mechanization and crop shifts of seasonal migratory farm laborers depending upon Midwestern employment for a part of the year to maintain the delicately articulated migratory cycle and even greater pressure for resettlement may be foreseen. Therefore,

the recently fashionable concept of "guided migration" seems most pertinent to the problems of the population concerned here. What is clearly necessary is to rationalize and cushion the stresses of the resettlement process both for the benefit of the migrating family and for maximizing of manpower resources. With regard to the latter benefit, we hasten to point out that the Mexican-American worker should be considered as much a manpower resource in the Midwest as much as or, perhaps more than, a manpower problem. We will discuss below in detail some of the ways in which we believe the unique work experience, preferences and commitments of many ex-migratory farm workers provide an important resource for filling new manpower requirements, particularly those associated with the mechanization of agriculture. Let us look first at some of the aspects of migration which appear to be amenable to programs of action.

Guided migration. Who should migrate, when, where and how? Certainly our data do not permit definitive answers to these questions, but some reasonable tentative conclusions can be reached. Further research is discussed below regarding more adequate answers to these questions. It would seek to identify the characteristics of the successful migrants as contrasted with those who try to settle and fail and those who desire to settle but cannot do so. Pending more specific findings, however, the following suggestions may be made:

1) The most successful migrants are likely to be those who are relatively young, certainly under 40, with smaller than average families, higher than average education, relatives or friends in the areas of resettlement, and occupational skills and preferences conforming to the demands of the local labor market in the area of resettlement.

Of course, these are also characteristics which will differentially account for the relative success of such families even among those staying in Texas. Nevertheless, guided migration programs ought to encourage those to migrate who have the highest probability of benefiting from the move and who have the greatest resources for accomplishing it successfully. It is worth emphasizing here that Mexican-Americans tend to move in the migratory stream as family units and tend likewise to resettle as such. Two-thirds of the

family heads interviewed settled in family units; 50 percent as head of a nuclear family, 17 percent in a two or three generational family. The Ling-Temco-Vought job training and guided resettlement experiment in Texas appears likely to confirm the importance of the move of complete family units in the resettlement process. The size of the family is important not only in terms of the strain placed upon financial and other resources but at least as importantly in respect to the opportunity for obtaining housing. We have been forced to conclude that the lack of low income housing of sufficient capacity is the primary impediment at the present time to resettlement. The problem in finding housing is not so much discrimination against Mexican-Americans because of ethnicity, although it exists, but the more general discrimination against large families. Many cases came to our attention during this research in which good jobs had been lined up but lack of adequate, or even inadequate, housing, precluded the resettlement of the family. Clearly, no amount of attention devoted to the facilitation of job training and placement in migration will be of benefit until some improvement in the availability of housing is accomplished. This leads to the question of the relative desirability of destination communities in terms of the availability of jobs, housing, and other amenities. To what places should migration be directed? There has been much emphasis upon the misallocation of much south to north migration because of the disproportionate concentration in already overcrowded metropolitan areas. It has been suggested that because of the high visibility and the gravity pull of large minority subcommunities in a few major cities, middle-sized and smaller communities have failed to absorb the proportion of migrants warranted often by their employment needs. Among Mexican-Americans, we believe this to be somewhat

less the case than among Negroes for two reasons primarily. First, there is somewhat less discrimination against Mexican-Americans in the Midwest, especially when the proportionate number is small, and secondly, Mexican-American migratory farm workers have been located prior to settlement in rural and less densely populated areas near which they have tended to settle, at least, initially and often remain even while commuting to a larger city where more attractive employment may be available. Furthermore, we received the distinct impression during this research that many Mexican-American families prefer small-town living both because it is consistent with their past experience in the places of origin and because they find urban living disruptive of the values and patterns of family life that they cherish, particularly in respect to child rearing. On the other hand, we found as well a desire to be near other Mexican-American families and ethnic opportunities which made isolated farm or even village settlement undesirable. Nevertheless, with regard to the destination settlements of Mexican-American families, we would recommend that

2) given adequate employment opportunities for adult family members, migration should be encouraged and facilitated to smaller or middle-sized communities as an alternative to resettlement in major metropolitan areas.

Access to other Mexican-American families and facilities may be important for many families but we have noted a high degree of mobility in driving to wherever such may be available if absent in the local community. This should not be surprising among a population, a majority of whose members may have participated in the most mobile of all occupations available, namely, migratory farm work.

How should migration be facilitated? This question is particularly appropriate in the case such as this whether geographical mobility is almost

necessarily linked with occupational and socio-economic mobility. In order to resettle successfully, the migrant must, in most instances, shift to a new occupation requiring skills and habits different from his present one. One kind of mobility cannot be facilitated without parallel enhancement of the other. If retraining is to be involved, then the question arises as to whether it should be accomplished among intended migrants in the place of origin or among actual migrants at the place of destination. We suggest the following for consideration, especially in light of further research:

> 3) preparation for migration, especially when training is necessary, should be accomplished in the place of origin where feasible as well as, or in addition to, facilitation of settlement in the place of destination.

We believe that areas of out-migration are sufficiently apparent in the case of Mexican-Americans as to make preparation for migration at the probable place of origin economically feasible and socially desirable. Costs would be lower due to level of living differences. Bilingual Mexican-American personnel for staffing would be more readily available. And, finally, placement could be more rational if cooperation between employment services of the sending and receiving states or communities could be developed. There are, of course, serious obstacles to such training in the place of origin. First, it would require cooperation of local authorities in some communities in which the Mexican-American migratory labor force is a valued resource for seasonal employment complementing the northern migratory season. In harsher terms, it may be described as a captive labor force caught in a cycle of marginal employment, no part of that cycle being capable or willing to pay more than marginal wages. In such communities, particularly smaller rural-based ones, any program explicitly aimed at facilitating out-migration will encounter formidable obstacles. In larger cities such as Brownsville, Laredo,

Corpus Cristi or San Antonio, such a program might meet less resistance and even elicit cooperation if it could be shown to relieve local problems resulting from underemployment or unemployment. Certainly the present cooperation between the state employment security offices of Michigan and Texas with regard to the scheduling of migrant agricultural labor each season suggests that, given more aggresive job search activity on the receiving end of the channel, migration might be successfully guided to the places having the greatest need and, if possible, the greatest capacity to absorb new workers and their families. If direct recruitment of Mexican-American workers for the sugar beet and metal industries of Michigan was successful before and during World War II, why could not similar efforts be made by state employment offices? This, combined with basic education or up-grading and job training would greatly enhance the migrant families' chances of a successful and rapid adjustment in their new environments.

Finally, guided migration assumes some facilitation of resettlement on the receiving end of the channel. In this regard, we strongly suggest that programs be developed particularly fitted to the needs of the Mexican-American migrant:

4) use should be made both in preparation for migration and in facilitating settlement of the ethnic interpersonal and institutional bonds of the families involved.

The experience of relocation of the Cuban refugees from Florida provides an example of guided resettlement which is worth considerable study in preparation of such a program for Mexican-American South Texas residents. One of the most striking features of this effort has been the central role of religious organizations. The large-scale organization with which Mexican-Americans seem to deal most effectively in Michigan is the Catholic Church.

This is explainable in that most of them are Catholics and have related to the church elsewhere throughout their lifetimes. There are several Catholic priests and lay administrators who have been interested and active in working for the benefit of Mexican-Americans and migrant farm workers in Michigan and some of these persons have worked very effectively with Mexican-Americans in the communities. Some constructive predominantly Mexican-American institutions are church related, such as credit unions in at least two cities, community centers, and other community-level organizations.

Mexican-Americans do not have such satisfactory relationships with many other Anglo-dominated institutions, such as school systems. We find very low rates of Mexican-Americans on welfare, so that is not an agency system which is highly used by them. We find them not using other agencies which are available to them, such as the state employment service. We find them in complicated and sometimes conflicted relationships with some community action programs.

On the positive side, it would seem that, building strength upon strength, the Catholic church and its ancillary agencies should be brought into programs for Mexican-Americans in a major way. This would seem to be a strategy of directing services or communications to the Mexican-Americans through a channel which has proven to be acceptable to them. The major drawback in this idea is that the Church is an Anglo-dominated institution and might be resented by Mexican-Americans as paternalistic. Nonetheless, many within the Church bureaucracy are aware of this problem and would be likely to put as much control and responsibility in the hands of members of the community as possible.

As far as the other agencies with which Mexican-Americans have less satisfactory relationships are concerned, the problem is one of agencies' managing to adapt themselves to better serve Mexican-Americans in ways that would be acceptable to this client population. One of the most rapid and effective ways of doing this is the recruitment and training of Mexican-Americans as sub-professionals to mediate between the agency professionals and their Mexican-American clients. It goes without saying that the recruitment of full professionals of Mexican-American background is urgent but this is a longer term solution. The need is immediate and, we believe that the competence and commitment is present among Mexican-American residents, many of whom are currently less effectively employed in less satisfying work than that which would be involved in sub-professional occupations.

Needs of settlers-in. While resettlement in Michigan is sometimes carefully planned with arrangements for housing and sometimes jobs being made in advance through relatives and friends already resident in the community of destination, more often it is relatively spontaneous and unplanned. This is particularly true of dropouts from the migratory farm labor stream. Often information regarding the possibility of a job may be obtained from someone else while in the field or perhaps the farmer consents to the family's staying on in his housing rent-free or provides a month or so extra work beyond the season for a few families. All too frequently, the family may have bad luck in getting enough work because of weather or other vicissitudes affecting migratory farm work and consequently have too little earnings to permit returning to Texas where it typically will have been in debt prior to leaving for the work in the stream. Thus it is these

"spontaneous" and often "unintentional" dropouts who are most in need of aid in getting settled. They are often without friends or relatives in the communities near their last field work and therefore must rely upon the farmer who employed them, local agencies, or agencies or programs specifically directed at migrant problems.

In Michigan, Michigan Migrant Opportunities, Inc., sponsored jointly by the Michigan Catholic Conference and the Michigan Council of Churches and recipient of a series of grants under the Economic Opportunity Act of 1964 began work with migrants in the camps in the summer of 1965. Programs were directed at problems in the camps such as education, day care for children, health and legal aid. The agency was specifically limited to assistance of migrants in the stream but its personnel observed the problems of settling out and, in 1968, under a new grant from the Migrant Division of O.E.O., it was reorganized as United Migrants for Opportunity, Inc. and began to work with settlers out of the stream on a year-round basis. Religious bodies also have had workers in the camps who have attempted in so far as possille to aid in the settling out process. In the summer of 1969, a State Committee on Inter-Agency Cooperation for Migrants is sponsoring two centers to maximize agency services for migrants settling out. Thus progress is being made in the direction of developing programs to facilitate successful settling out. The experience of these agencies and programs provides an invaluable resource for future program planning in this area. Similar activities are underway in other Midwestern states but it is our impression that those of Michigan are somewhat advanced over others. We recommend strongly that

5) any programs for guided migration and resettlement of migratory farm workers in the Midwest make use of the valuable experience accumulated by previous smaller-scale efforts in assistance to migrants settling out of the stream.

In addition, we would like to emphasize the increasing availability as a result of experience in these programs of highly dedicated and committed Mexican-American personnel who have proved to be highly effective in the human relations aspects of assisting migrant families. In our view such personnel are essential to any program seeking to work with Mexican-American migrants since these families are used to working with other people of similar culture and background not with impersonal bureaucracies. Not only is bilingualism necessary for such personnel, but also the experience of having been a migrant and having settled out successfully is quite helpful. The increasing number of Mexican-American ex-migratory workers in the Midwest who have successfully upgraded their education and have accumulated valuable experience in community organization and family assistance, often informally through their unpaid private efforts, constitute an indispensable human resource for future programs of migrant settlement facilitation.

New opportunities in industrializing agriculture. With increasing mechanization in this region and the consequent diminishing size of the projected seasonal agricultural labor force, we recommend:

6) the development of programs by which migrant field workers can learn the necessary mechanical skills to continue in agricultural work in new positions.

This has been attempted on a small scale in Michigan and merits further testing. Essentially, what it involves, in terms of job training, is teaching the migrants to operate or service farm machinery.

This is an attractive strategy because there is a need in agriculture in this region for year-round farm workers with mechanical skills and because some of the Mexican-Americans like agricultural work and rural living and would not be averse to continuing in it at a higher wage level

with better living conditions. One misconception commonly held concerning Mexican-American migrant farm workers is that they have a low level of mechanical aptitude. Our survey data indicate that this is not the case: many of the respondents indicated that they have mechanical skills which they do not use in their current jobs. The presence of the majority of Michigan Mexican-Americans in factory work indicates that they are capable of employment involving machinery.

In addition to the training of ex-migrant workers to perform specific mechanical tasks, many would also need some social services to assist them in operating in a new environment, particularly in smaller rural communities.

In terms of the ordinary way in which migrants enter and become acculturated in new communities, this attempt to open mechanical farm work to Mexican-Americans has at least one major drawback. That is, living on dispersed farms as "hired hands" the individual migrant families would be deprived of the social support and other functions that derive from living within an ethnic subcommunity or within a network of others of their background. However, we might find the dispersed farm families making their own substitute arrangements for the functions of the barrio. While we believe that programs working with Mexican-American ex-migratory workers must be solicitous of their needs and particular cultural background, we do not wish to give the impression that they are so completely integrated into a Mexican-American subculture as to be unwilling or unable to "survive" outside an urban Mexican-American subcommunity. We have been impressed by their adaptability and by the strength derived from the coherence of the family unit in rural and small town settings. Therefore, we do not anticipate that new settlers especially will be unresponsive to new opportunities for agricultural employment at higher levels of skill and remuneration.

One thing which should be kept in mind, however, regarding rural settlement and agricultural employment is the need or desirability of providing employment opportunities for wives and other family members. We have noted that one-third of the wives of our male respondents are presently employed. Rural opportunities for female employment may be fewer than in urban areas, although the opportunity of part-time farming activity in a rural setting might provide some unpaid agricultural employment for wives and other family members. In any case, it is always necessary to consider the family as a whole in any program of retraining and guided settlement.

Complementary part-time employment in seasonal farm labor. While there is growing recognition that the migratory way of life is socially undesirable and economically marginal, the need for unevenly distributed amounts of labor in certain crops will remain. Either such labor must be recruited locally or within commuting distance of the farms or farmers must switch to other crops as the supply of migratory labor decreases as it must as the cycle of work is broken by selective mechanization. In discussing the employment transition from migratory farm labor to urban industrial labor, we pointed out that among a significant number of families, part-time seasonal farm labor persists as an income supplement some years after settlement. This may be a matter of wives and elder children working during peak harvest periods while the husband continues his industrial job or of the whole family returning to farm work during vacations, change-over lay-offs in motor vehicle plants or, in some cases, even on weekends. This resource of intrastate seasonal farm labor provides an increasingly important supplement to the seasonal labor force which will continue to be required at peak periods or regularly during certain weeks in crops not now or foreseeably subject to

mechanization. We recommend that

7) some experiments should be undertaken in systematically linking ex-migratory farm workers and members of their families desiring part-time farm employment to opportunities for such employment.

While families settling out near areas in which they last worked in agriculture will have contacts with farmers nearby for whom they worked, those families settling in more distant urban areas may have little awareness of part-time agricultural employment nearby or of other opportunities further away. Therefore, some of the recruiting and placement efforts now focused on inter-state migrants by employment offices might be redirected toward the placement of intra-state farm laborers.

Income maintenance during resettlement. A final recommendation regarding problems of resettling migrants, particularly dropouts from the migrant stream, concerns the problem of a decline of income or insufficiency of income to meet the increased needs resulting from resettlement. A well-known characteristic of migrant families is that of their working together both in the stream and in communities of origin. The wife and older children contribute to the total family income in the field and may do so in agricultural employment back home or perhaps the wife may work in food processing for several months if not in the field. The multiple-earner character of the Mexican-American family tends to breakdown during resettlement and despite the often much higher individual earnings of the male head, the total family income may decline particularly because of the wife's inability to find work or the husband's unwillingness to have her work in an urban-industrial environment. At the same time, the needs of the family are greatly increased. Warmer clothes are needed to withstand the winter weather. Living costs in general are likely to be much higher. And finally,

debts accumulated during winter months of sporadic employment must be paid. Therefore, the most important single form of assistance that could be provided the family settling out would be an income supplement. We recommend that

8) low-interest "settlement" loans and/or relocation payments to supplement income during the first year or so of settlement be provided to needy dropouts from the migrant stream.

We believe this would be a very worthwhile investment in most cases and would greatly accelerate the process of adjustment to the new environment. It would allow older children to remain in school by providing them with needed clothes and relieving them from the necessity to work and would likewise enable the wife to remain in the home with younger children during this critical period. It would avoid the frequently encountered paradox of the lowering of the level of living of the family as the husband triples his wages in a new job.

Dr. STURT. I will simply take a few minutes and pull out some of Dr. Trout's recommendations relative to migrants in transition.

He points out the most successful migrants, the ones who made the transition successfully, are the ones under 40 with smaller than average families. This I stress because the large family becomes very, very much of an encumbrance in terms of making the transition—finding housing and finding resources to make the transition.

Among other recommendations he stresses the need for providing adequate employment opportunities for adult family members. "Migration should be encouraged and facilitated through small- or middle-sized communities as an alternative to resettlement in major metropolitan areas," he states.

He feels that the ones who have settled in Albion, and Grand Rapids, Ithaca, Lansing, and places like this in Michigan have had a more successful experience than those that have gone to larger cities.

Senator MONDALE. Of the thousand or 1,500 Mexican-Americans seeking to settle in Michigan, do you have any idea how many actually make a successful adjustment, and stay permanently out of the migration stream?

Dr. STURT. These would be permanent.

"Preparation for migration, especially where training is necessary, should be accomplished in place of origin where feasible * * *." He feels and I agree with him that we have not done enough to train migrants where they are.

In Michigan about two-thirds of the migrants that come into the State come out of the valley, the Rio Grande Valley, and are Mexican American. He feels that a great deal more needs to be done relative to working with the people in the valley where they are, particularly insofar as the development of transferable skills.

This is somewhat against the grain of what seems to be happening, of what many people seem to be proposing relative to training programs, for example, training where the jobs are.

But I think we need both; and training in transferable skills, where the people are, appears to make sense. If a training program could be conducted in the Valley, comparable to what we might offer in Michigan, the training could be accomplished and the people would be much more comfortable in the process.

Senator MONDALE. I think unless something is done about the border problem, there is no point in talking about training.

Dr. STURT. You mean the green card problem, and the wetbacks?

Senator MONDALE. And the fact that there are no effective restrictions on Mexicans coming across the border although the Department claims there are. Working conditions are abominable, and Mexican foreign commuters are often used to break strikes. There is either a wholesale violation of social and economic legislation, or it does not extend to them. Their whole pattern of life and work is as bad today as it was 30 years ago, and there is little going on by way of economic development.

Migrants that I have talked to say that: "If you want a young man to take training, you better have a job in mind for him, and be able to

tell him about it, or he will not have the incentive to take training." Along the Rio Grande Valley in south Texas, there is little or no training on jobs. So I think that to talk of training down there is nice, but the surplus labor pressure is so enormous that it is a singular source of the migrant stream. It is a major hemorrhage.

I can't convince any of the Federal departments or agencies to get interested in it. We keep talking about token programs, while human beings continue to suffer.

Dr. STURT. I don't agree with you at all in terms of training programs in the Valley. I feel youngsters go to school everyday and do not expect to have a job waiting at the end of the line necessarily. There are all kinds of things that can be done in the Valley. There are, of course, many problems in Texas.

Senator MONDALE. I agree with that.

Dr. STURT. There is little sense in providing basic education programs, and these kinds of things in Michigan, as we are currently doing. Our programs are only a drop in the bucket. There needs to be education programs in the valley on a massive scale.

Senator MONDALE. But my basic complaint is that we have a massive poverty population coming into the country virtually every day from Mexico. We thought we stopped it when we eliminated the bracero program, but now other methods for commuting across the border perpetuates the problem so it is just as bad as it was 15 years ago.

We need a rational policy to stop that hemorrhaging along the border, and to implement a policy encouraging economic bargaining power for the individual Mexican-American.

I really despair over how little sensitivity I think the appropriate agencies are showing toward this program. We saw an impressive reaction to marijuana in the recent Operation Intercept. I understand that there are efforts in Maine affecting Canadians coming in to work in Maine. But along the Texas border and along the California border, you have to be an idiot not to know how to get across that border to work in the United States.

Dr. STURT. This I know very little about. I assume you invited immigration representatives here to testify.

Senator MONDALE. Yes, but that did not help any.

Dr. STURT. It is true there we have a large surplus of farm workers and that is the basic economic problem. What you are saying is that the surplus is being expanded by people flowing across the river into the farm labor stream.

Granted, something has to be done on that, and that is something I know very little about. I do know that there are some real advantages to working with people and trying to train them in their own locals where they are culturally comfortable.

We can get money in Michigan to do training, but I feel the same money can be spent far more effectively in the Valley in the winter at times when they are not as busy.

Dr. Trout feels that we should attempt to guide migration to those areas where there are already people with whom the migrants can identify.

For a number of years we have been proposing the development of master migration plans. Where are people going to be needed and how do we develop the kinds of mechanisms to get them there?

I have not been able to sell the master migration plan idea to the Department of Labor.

Senator MONDALE. I get the impression that there is none of that kind of strategic thinking going on in the Department of Agriculture or Labor. Once the migrant is in the stream, he is on his own. He might get a little help from some friends. He might get some help from occasional manpower offices, but in terms of the best use of his time, best return for his efforts, and the best place for him to be, he is lucky if he gets any help.

Dr. STURT. This is not completely true. The Farm Labor Service has an annual worker plan which they use.

Senator MONDALE. I think they testified yesterday that once migrants are in the stream, they don't follow a worker as much. And not all workers are using the plan, and many farmers don't participate.

Dr. STURT. No, they have an annual worker plan in which a crew or group will start out in the Valley, for example, and they know the workers will be in Arkansas for work there, in Michigan for work in asparagus, etc. The work plan is all scheduled ahead of time.

It is called the "annual worker plan." It has many weaknesses in it, but it is a good idea and it is used. Along the way the workers need all kinds of services and they do not get access to many of these needed services. I will get into that in a minute.

I would like to return to my statement, and comment on the impact of technology on people.

In terms of the Department of Agriculture it would appear that 95 percent of their research budget goes into technological research.

There is an imbalance between the emphasis upon the physical sciences and technological research and the human fallout resulting from this research. We agriculturists have been great in creating the problems but not very adept in solving them.

Senator MONDALE. That was developed at yesterday's hearing. They spent $125 million for technology and other kinds of efforts that the Department of Agriculture institutes that has the effect of reducing the need for manpower. And that is a drop in the bucket. On the other side, in terms of money for trying to deal with the human problems, trying to meet the oversupply of labor, trying to discourage migrancy, trying to get a better balance between jobs and workers, there seems to be little known or done.

Dr. STURT. Precisely. I think we have an example of a really massive thrust to displace people, and using Federal funds to do it.

Senator MONDALE. Did you think that $125 million figure is low?

Dr. STURT. It is way low, I believe.

Senator MONDALE. What would you estimate?

Dr. STURT. Probably twice as much.

Senator MONDALE. For the record, could you give us your calculations in this field, how much you think goes into this area?

Dr. STURT. It depends on how it is couched. I am simply saying probably 95 percent of all the research moneys in the USDA and its land-grant affiliates is technologically oriented and, therefore, oriented toward the displacement of people.

Senator MONDALE. I think it is significant that yours is the only rural manpower center at a land-grant college in the country, is that right?

Dr. STURT. It is very significant, primarily because we are a product of the Michigan State Legislature.

Senator MONDALE. But it is the only one of its kind in the country, yet every land-grant college in the country has agriculture technological schools.

Dr. STURT. This is because there has been this concern with technology, primarily to provide cheap food. Society is saying anything goes as long as you provide cheap food; we will give you unlimited funds as long as you provide cheap food. Also, it is generally held that whatever is good for the individual farm operator is good for rural people. This is not always true. It may be good for the individual farm operator and not be good for all rural people.

I won't continue on with Dr. Trout's material. He is interested in income supplements, for example, so people will be able to make the transition. Also, he is interested in resettlement assistance. He is interested in guiding migration, as I am, and we disagree only on one point.

I contend that most of the migrants do not possess the basic aptitude for acquiring mechanization skills. He thinks they can be expected to move into jobs in mechanized agriculture and I do not think this can be accomplished without massive training programs, because most of the migrants are not oriented in this direction. They are oriented toward picking and harvesting, but not toward the operation of machinery.

I have three or four points on immediate needs. One of the immediate needs, of course, has to do with housing.

Adequate housing is needed both for migrant farmworkers employed in agriculture and those who wish to move into nonfarm jobs. Migrant housing for those employed in agriculture has improved, and growers will continue to improve housing as licensing and other forms of encouragement take effect.

In Michigan, we have some very bad housing and we also have some very good housing; it is improving.

Some sort of cost-sharing arrangement whereby the public enters into a partnership with the individual grower to improve housing should be encouraged. The agricultural labor commission, which is a statutory commission in the State of Michigan and which I chair, came up with a proposal last August for a State appropriation of over $1 million for this kind of program.

Although for a much smaller amount, there is a provision in the Governor's budget for cost-sharing and it is a significant breakthrough. Society has the responsibility to join hands with the grower and help him underwrite the cost of this housing.

Senator MONDALE. What about the possibility of mobile homes, or campers, or similar vehicular homes for subsidizing migrants, rather than subsidizing a particular fixed housing location?

It seems to me that we have several problems here. As you point out, many farmers have limited periods during which they need migrants, say 2 or 3 weeks, and they are very reluctant to spend a lot of money on housing.

Dr. STURT. Particulary if those farmers are also living in poverty.

Senator MONDALE. The other problem is that many farmers have crops where they think mechanization will take over, so they ask why they should build housing, and provide decent sanitation, and all the rest when a year or 2 or 3 from now they may not need any of it.

Yet, from what you have said, and what was testified to yesterday, there will continue to be a need for migrants. And that need will involve a much more sophisticated use of migrants, much more careful planning, far better services, and much better mobility. Why wouldn't it make sense to assist the migrant in finding quality housing that he can take with him?

Dr. STURT. I have no objections to this. It has been discussed along the way. I would say it is a possibility. You have to be sure of all the other supporting services which have to go along with it. The migrant has to know how to take care of the housing and how to use it properly. It certainly is worthy of consideration.

It would also be expensive, I might add, when you think of giving a mobile home to each family.

The cost-sharing notion is highly significant, I feel, and those on the Agricultural Labor Commission in the State of Michigan feel the same way.

It is, essentially, saying to society, "If you feel so strongly about this, put your money where your mouth is and help us do the job."

I am speaking primarily for Michigan, where we do not have a lot of large operators in the California or Florida sense. Also, we are talking about some farm operators in Michigan, who, as I have said, are well qualified for poverty assistance along with many hired workers.

There are Federal funds available for improving farm worker housing, but we have been unsuccessful in developing a mechanism for using it. You would think that HUD and the Farmers Home Administration would provide more assistance along these lines. We have not been able to get a Federal project moving. We organized and worked with groups of growers on several occasions where we thought we were going to get cooperative housing units set up, but we were unsuccessful.

It never comes off for a variety of reasons and we do not have any of this publicly supported housing in Michigan.

Let us move to the second recommendation in the statement. It has to do with improved health, education, and welfare services for migrant workers and their families. I am particularly concerned with the food stamp program.

I don't know a great deal about this except that I know there have been fantastic blockages for migrants who attempt to get access to food and food stamps. The food programs are not designed to serve

people on the move, in the migrant worker sense. There should be self-certification.

Senator MONDALE. Have you made an analysis as to how many counties in which migrants are used extensively in Michigan are counties which even have a food stamp program?

Dr. STURT. I believe they all have them.

Senator MONDALE. Then the second question is how many of those that have them have simply token programs?

Dr. STURT. No. We have active food programs and food stamp programs in Michigan, but the accessibility to these is through that county person who is there who becomes all-powerful when you apply for stamps. I have suggested to the Department of Agriculture that inasmuch as the average income of the migrant from farm and nonfarm work is something like $1,400 or $1,500 a year, why not automatically qualify all people that are in the interstate farm labor work force for food stamps?

With such a program there would be a few that would be getting stamps that should not; but many deserving thousands would receive assistance which is now being denied them. It seems to me there has to be some sort of waiver system, where the usual rules are not applied, because, like so many other things in our society, the rules are not designed to accommodate these people on the move.

Senator MONDALE. If you think it is bad when migrants are on the move, you should go down to southern Texas and Florida and see how they are treated when they are stationary. We found in southern Florida that the counties that had the highest migrant population had no food stamp program, or if they had programs at all, they were token programs.

The largest migrant county had county-elected officials who said migrants were Federal people, and were not the responsibility of local government. They thought it would be illegal to provide food stamps, so you have an awful bias, an awful form of discrimination that affects food programs in the South.

Dr. STURT. I am sure this is true. But in Michigan we have a fairly progressive program, I think. On the other hand, insofar as the migrants are concerned, some do get service, but some do not.

What would be wrong with a food program where anyone involved in interstate farm work would automatically qualify? Granted some would get them that should not, but only a very few, because there are only a few that would go above the stipulated income level for qualifying.

I would like to talk some more about equity of access. If there is any one thing we have tried to inject into all of our presentations in the last year, it has been this term. It pertains to access to all public services.

We would contend that the rural poor generally do not have equity of access to services. There is a double discrimination involved. Urban areas are attracting more Federal funds these days than are the rural areas.

There is a disproportionate share of moneys going into urban areas as opposed to rural areas, which are the source of urban problems in

the first place. Second, within the rural community there is this lack of equity of access, so someone living in north Michigan is a victim of double discrimination in terms of equity of access to services.

Another immediate need for migrant workers has to do with employment services; we feel that migrants need more job information. They need assistance in job scheduling.

Many migrants are looking for nonfarm work and as they search for this nonfarm work, they need special employment assistance, not only in job information, but the whole bundle of services that will assist them in making the transition to a dramatically different type of work in an oftentimes hostile environment.

Not only migrants, but rural people, need a whole array of employment services. I am concerned that there appears to be a move underway to have one set of employment services emanating from the Department of Labor offices, as opposed to something that is identifiably rural and that is specially tailored to meet the needs of rural people.

Working with migrants is a different ball game from working with urban people, and the Department of Labor has to recognize this.

Senator MONDALE. But aren't there also special problems with the interstate migrant that are unique from rural people generally?

Dr. STURT. Yes, but I think you are missing the boat if you do not include migrant and rural problems together, because the migrant is a part of the total rural picture.

Senator MONDALE. I think he is one of the key contributors to rural poverty because he comes along at peak employment need time and takes pressure off the normal operation of a free enterprise supply and demand labor market.

Dr. STURT. We have a lot of hired farmworkers in Michigan, for example. We have about 15,000. All of them would not be classified as rural poor, but a number would be. They are not migrants in any sense.

We have people that have dropped out of the stream. We have a lot of people that are simply there. Our estimates are that approximately one-half million people in rural Michigan, for example, are poor and living in poverty. And we have encouraged the Governor to appoint a rural affairs council. Hopefully we will get an office of rural affairs. Rural poverty has been pushed into the background. The migrant problems are a part of it, and a significant part of it.

Senator MONDALE. I guess what I am apprehensive about in that analysis is I agree with the rural poverty point, but I am also of the opinion that there are many factors that are different between the migrant, and the local impoverished rural worker who does not migrate. There are, in fact, many special problems of the interstate migrant that require a special focus, and many times special administrative apparatus is needed if he is going to have any help at all.

For example, the rural impoverished problems in Michigan are not the same as the constantly mobile farmworker looking for work. Many of the migrants that come to Michigan come there because they are forced out of Texas. At least the rural poor in Michigan live in some kind of community, and he may even vote. They may have a little political power. Kids from a permanent resident, rural poor family

may go to a school and will at least be accepted as residents of that community. In fact, they live in a community long enough where he might have a chance at welfare, and some of the other services also.

Dr. STURT. It is a little better situation.

Senator MONDALE. The migrant has nothing. He has no vote and no political power. He is just moving along. And he is often hated. He is a foreigner. He accepts all the risks, and all of the costs of finding the next job.

Dr. STURT. There is fantastic community discrimination relative to the migrant. Many people point their fingers at the individual growers and accuse them of discriminating against migrant workers. While there are some cases of grower discrimination, there are many situations where the grower turns out to be the best friend of the migrant worker.

We have encountered very serious community discrimination. This is one of the reasons why it is almost impossible to establish cooperative housing developments for migrant workers. The community discriminates and objects to housing developments being established.

These are the same people, mind you, that through the church organizations and other avenues will be blasting the grower. They will refuse to have a migrant housing operation in their community.

Let us move to long-run needs. I feel that we should have interdepartmental technology councils that weigh the anticipated impact of public investments in technological research. The imbalance toward physical science research should be redressed in order to encourage more social science research. A product orientation should give way to a people orientation, as the human consequences of technology are put in proper perspective.

What I am saying here is I think there should be some kind of intradepartmental technology council that influences the allocation of moneys that go into research, particularly relative to agricultural research.

We recommend this to foreign governments. I conduct international manpower seminars here in Washington and other places, and a standard recommendation is to encourage planners to select those technologies that best fit their economies.

For example, if your people-to-land ratio is high, you usually do not encourage the labor-displacing types of technology.

I think the only way to come to grips with this problem is to find some mechanism for making those who promote technological research and education, face up to the human consequences of it.

Let us look at a second long-run need. A system of social and economic rewards based upon human resources rather than property resources should be encouraged. Along these lines, wage supports would be more appropriate than price supports.

I assume somebody else suggested this idea.

Senator MONDALE. Would you include minimum wage increases under that?

Dr. STURT. In a sense, but using a system of wage subsidies, that are paid by the consumer.

All of your USDA price support programs are geared to a property base rather than a human resource base. This, again, is predicated upon the belief that what is good for the individual operator is good for all people in agriculture. This is not true, because all people do not own property.

For example, the tobacco program. I am familiar with that. The price support program for tobacco and the increased prices are essentially capitalized in the price of the land. It does not accrue to the individuals doing the work. It accrues to the individuals that own the tobacco land.

Senator MONDALE. Would that great subsidy approach encourage labor intensive efforts and discourage mechanization? Would that be the tendency?

Dr. STURT. Sure. Let me give you an example of what I am talking about. We have a proposal called the farmworker equity proposal. It goes like this:

If you took 1 percent of the total food bill—it could be a tax at retail level, it could be a food handling tax—you would get about a billion dollars. This billion dollars could go a long way toward subsidizing wages for the hired farmworkers, improving housing and so forth.

It would also take away some of the pressure for increased mechanization. It could be administered by ASC offices. You have the mechanism already there for administration. It would be putting the emphasis upon the human inputs rather than the property inputs in agriculture.

It would probably improve the quality of the products because oftentimes mechanization does not provide you with as high quality products as does hand harvesting.

It should reduce the push to the cities. Originally, perhaps this was the intent of our price support and other farm legislation, to improve the quality of rural living and help rural people. What, in fact, has happened is that these programs have helped those people who own property; this does not mean the same thing as helping rural people.

Senator MONDALE. Would you favor extension of the National Labor Relations Act to the farmworker?

Dr. STURT. Would I favor extension of the National Labor Relations Act?

Senator MONDALE. Yes, sir.

Dr. STURT. It would depend upon the form that it takes. I am going to cover this in a minute in my report. I think unionization coverage has to be geared to agriculture. Probably the Secretary of Labor's proposal which he made in a speech in Ohio would be acceptable. I don't see anything wrong with it.

Senator MONDALE. The Secretary of Labor would substitute compulsory arbitration. Would you favor that approach?

Dr. STURT. Compulsory arbitration is probably the only answer. The basic problem we have in agriculture stems from simply including agriculture in social legislation. We must design appropriate mechanisms that fit this special situation.

In Michigan, for example, we have workmen's compensation for some agricultural workers. It looks like we are going to move toward

workmen's compensation for all agricultural workers in Michigan. I am convinced that agriculture is different.

This does not mean they have to be exempted. In the process we have to recognize that the farmwork environment is a different work environment and we have to tailor these programs and tailor legislation to arrive at a comparable end, but perhaps with a different means.

I don't know whether I am communicating with you or not. I am saying agricultural workers deserve equal treatment, obviously. And we need these protections, but we also have to be realistic enough to know that we have to devise a mechanism that works and fits the situation.

I am not a union person and I know very little about unionization, but I know you have to hold elections and all of these things. As I see unionization in the agricultural work situation, I am bothered as to how the industrial pattern would work.

I think far too much time has been spent in saying, include them, instead of coming up with some really creative approaches as to how the thing is going to work. The same thing applies to workmen's compensation and all the rest.

We have struggled along in Michigan with a very unusual workmen's compensation program, for example. Originally, legislation provided comprehensive workmen's compensation for some and hospital and medical insurance coverage for others.

Now it looks like we are ready to move to more comprehensive coverage.

Incidentally, it has been difficult to get insurance companies to cooperate with this program. I would contend, on the other hand, they made a fortune out of it, but they are still dragging their feet.

My main point here is that we need to devise appropriate mechanisms for achieving the same end with a more appropriate means. It is very easy for people to say we are going to bring workers under the NLRA, but it is not that simple to devise something that works.

We could, for example, bring in agriculture workers under the NLRA, and I do not think a great deal would happen. I cannot see immediate mass unionization movements, and all kinds of bargaining activities, as a result. It is going to be too difficult to accomplish in the agricultural environment.

Are we communicating?

Senator MONDALE. We don't agree, but we are communicating.

Dr. STURT. I want to hit the equity of access thing again. I contend that the service organizations, many of which have a Federal base—the Extension Service, the FHA, the SCS, and others, including the landgrant universities—suffer from what we call hardening of the attitudes; we are insensitive.

We develop, over a period of time, insensitivity to people, particularly the rural poor, and there are a lot of barriers to keep people from enjoying equity of access to services. One of the things that we have discovered, as we have asked agencies about how were they insuring that they were providing their services on an equitable basis, is that they say, "Our doors are always open." We contend that

this is not enough. There are too many barriers. There are psychological barriers, language barriers, and so forth. For the migrant there are more barriers than there are for the local poor.

But for the local rural poor there are many barriers, too. You have an agency that always says, "My doors are always open." So what? I am not impressed.

Again, I think something has to be done to sensitize agencies in order to insure this equity of access to services, because the bundle of public services that we get in this life are, perhaps, more important than the actual dollar income, when you think of it.

They are certainly very significant. In other words, one's level of living is not just determined by what his dollar income is. It includes the whole array of services that are available to him.

Point 4 of the report has to do with what we were talking about, that is, innovative legislative and administrative institutions must be designed to provide for rural workers the benefits and protection that have been provided for nonfarmworkers, recognizing the significant differences between the farm and nonfarm situation. Appropriate avenues to provide farmworkers the advantages that have been provided nonfarmworkers through social legislation must be devised in order to achieve the same "ends" via a more fitting "means."

This is what I am talking about in the case of unemployment insurance. We are going to have to experiment and come up with something that works. As I mentioned, we experimented with workmen's compensation in Michigan and we are coming up with something that works.

We have to experiment with unionization to come up with something that works, but I do not think you can expect any miracles with one wave of the hand.

The fifth point in this report has to do with instability of agricultural employment. This, of course, is very important. I am very anxious to see the Farm Labor and Rural Manpower Service in the Department of Labor become an identifiable rural manpower service that works with migrants and others to help them find nonfarm work, and that helps the rural poor to find nonfarm work.

It is important that we have a rural manpower service unit that is identifiable, that is known as the rural manpower unit. Hopefully there will be people in the servicet hat communicate well, including some Spanish-speaking people. We have to develop a service that will help the rural poor and migrants find complementary job opportunities.

Senator MONDALE. It is very interesting that in the Farm Labor Service, there are no migrants on any advisory councils that I know of. Very often people that need the service, and who are using the service, are not involved in determining how it should work.

We have had several migrants, actual live migrants, who have come in here to testify. I am sure you have heard their experiences many times, perhaps many times more than I have. It is a pretty disappointing picture.

The Labor Department service is not always uniformly received by the workers. There is a lawsuit in California right now which states

as its basic case that the FLS is accomplishing more harm than good, and we are going to be hearing from attorneys who have brought that case.

But it seems very peculiar that a service which is designed to serve the public, and to serve rural neighborhoods, does not have close contact with the migrants themselves. In other words, how do migrants see that service?

For example, how many Spanish-speaking personnel are there? The Department of Labor told us yesterday they don't have the slightest idea. They are trying to find out. For the first time they are beginning to evolve regulations to require personnel to speak the language of those who must use the service.

Now, if there was any sensitivity and deep concern for these people, why didn't that happen the first day these offices were open. That is where you begin. If you cannot talk to the guy, where are you?

Dr. STURT. I agree with you. They do need more Spanish-speaking personnel. The local office in Lansing, Mich., does have a Spanish-speaking person.

Senator MONDALE. There are some that have them, but it has been a slow process. And it is one that has been a paternal process. The power structure begins to drop a Mexican person here or there, but the people who are using the service have nothing to say.

Wouldn't it be far better if in this service in which their lives are so deeply involved, and which they know better than any of us because they must live it, if there were some kind of national migrant council to advise rural manpower officials about actual migrants?

This town is packed with white, middle- and upper-class people who are advising the Government on things all the time. We pay them $100 and $150 a day. If you cut out advising in Washington, the Washington Hilton would be broke today, and all those bars would be empty at 6 o'clock tonight.

But you are never going to see a Mexican migrant in those bars. He cannot afford to come to town, let alone get into one of those joints.

Why don't we have a situation where the agency that is most closely related to migrants own lives above all consults with migrants and listens to the poor? Why don't we do that?

Dr. STURT. I think it is a good idea. I could not agree with you more. There are problems involved in this kind of thing I might add.

Senator MONDALE. There are always problems when you talk to poor folks.

Dr. STURT. I have gone this route where we tried to set up councils in various communities.

Senator MONDALE. And you involved the workers themselves?

Dr. STURT. Yes, sir.

Senator MONDALE. And haven't you found they brought strength to those discussions?

Dr. STURT. Unfortunately no; and I am concerned. If I were not, I would not have spent all these years working with these problems.

Senator MONDALE. Why do you say they do not bring any strength?

Dr. STURT. We had in Saginaw, Mich., what we call a farm labor council. I am a great believer, that if you get a variety of people with

different points of view, you can create a forum and you can battle out the problems and arrive at solutions. I am a great believer in local forums, and I believe the university has a function to play as a convener of these forums.

Essentially our Agricultural Labor Commission in the State of Michigan is a State forum where we have former migrants. In Saginaw, for example, there were some migrants on the council. They were not participative, and I understand why. They felt ill at ease. It just did not work out.

At the State level we had former migrants on a migrant labor council several years ago. These former migrants had had experience in migrant work and understood what the problems were all about, and yet they had not developed the ability to articulate to others their own thoughts.

I am just saying that it sounds better on paper, Senator, than it actually is.

Senator MONDALE. The thing that strikes me is we have had live migrants testify before us, and I think we learned more from them than from a lot of other witnesses about the details of their lives and how they are treated, and how they try to live, and how much they earn, and their efforts, for example, to find housing and educate their kids.

After all, that is what we need to know, isn't it? We just had the big cheeses from Labor and Agriculture here yesterday and they as much as admit that they do not know whether their statistics are sound. They are based on probability samples and not even counting the people, and once the migrants are in the stream they don't know what they are doing, or how, and they do not know how much they earn.

Wouldn't we learn more if we worked with actual living people?

Dr. STURT. Statistically you would not. You could bring 100 migrant workers in the room and ask them how much they earn and that would not improve your statistics one iota, but it would give you a feeling for some of the basic problems.

In order for advisory groups and councils to be effective the migrants must be involved in a way that they feel compatible. There has to be recognition of the language problem and all the rest if you are going to meaningfully communicate with these people and have something that is not just a facade.

Now I would like to talk about the instability of farm-labor income. I do not think that we have ever really done very much constructive work in the area of trying to mesh jobs together, in order that we come up with complementary jobs. What are some sets of jobs that might fit together? Most of us agree the need for farm labor, for seasonal farmworkers is going to continue although the demand will be less. The question is how, then, do we provide some sort of complementary in job opportunities?

Do we simply give them a guaranteed annual wage?

This may well be the answer. A lot of farms carry their year-round hired workers for 12 months, even though they actually only use them for only 8 or 9 months.

Why couldn't we expect the same farms that carry them for 6 months to at least share in carrying them for a longer period of time? In

other words, the productive months have to pay for the productive and nonproductive months. Because people have to have a year round income.

Point 6 in the report pertains to rural people needing better manpower services. I feel there should be a spokesman for rural manpower and rural people, including the migrant.

Over half our farm people in the State of Michigan earn more off the farm than on the farm, which means that job information and the bundle of manpower services are very important to our people in rural Michigan. Yet they have very little access to manpower services.

There are very few manpower offices out in the small towns. Offices are located in the urban centers, and yet the rural people need these services. Perhaps, the Department of Labor could be a spokesman for rural manpower. Then, maybe they could, for example, get the Extension Service in the Department of Agriculture and other services to cooperate in providing manpower services of various kinds. Working together, they could provide job information, training information, etc.

The Department of Labor could develop cooperative linkages with existing agencies that are already located in rural communities. I do not think it is likely that we will see enough money appropriated to have comprehensive manpower services taken to all these rural communities. But they need them and there is this lack of access because they do not have them.

I close with simply the comment that for many migrants there are few alternatives in other forms of work. Our society does not accommodate such workers very well. As time passes, the number of migratory workers will continue to decline, with only highly specialized workers continuing in this type of work.

The fate of the migrant farmworkers is inextricably interwoven with the fate of agriculture and rural people in general.

I feel strongly as long as we continue to essentially worship cheap food policy in the United States, as long as rural people are discriminated against in their request for a fair share of Government assistance, many people including migrants are destined to remain the people left behind.

I notice that there is a rural affairs council that has been appointed at the Federal level by the President. Is this a U.S.D.A. council in effect. I have some basic questions as to whether any one Department is capable of providing the kind of rural services that are needed in rural areas.

I think a group such as yours, a committee such as yours, should point this out.

Senator MONDALE. Dr. Sturt, we are most grateful to you for this most useful statement. I think I am correct that you will shortly be director of the appropriate program in the Department of Labor?

Dr. STURT. That may well be true, but I have not heard about it.

Senator MONDALE. I am sure the President would not want me to carry the news.

I find your statement helpful. It is encouraging to know the one head of one department of one university in the country that has bothered to look at this problem.

I suppose that I can be excused for just making a few comments here, not in response to your testimony, but which I think expresses my view on some of these problems.

I have a lot less hope that the bureaucracy is going to be truly meaningful and relevant in their effort to respond to migrants than do many people who have studied this problem. I think the migrants have suffered from an overdose of malignant paternalism. It is a wonderful way for white people to work out their guilt feelings. Eleanor Roosevelt visited them, and we had films and documentaries such as "Harvest of Shame." Two years ago we had the educational television people do a follow-up to "Harvest of Shame." Now, thank goodness, NBC is going to go back again.

We are going to have another "Harvest of Shame" revisited, and we are just having a wonderful time studying and restudying the migrants. The single most significant aspect of the studies is that the sitaution is continuing to grow worse in its tragedy. The whole migrant stream continues to be refueled daily along the Mexican border, California and Texas, and this has national ramifications.

After these many years we have a sort of ritual where we come up with new plans, new ideas, and new suggestions, but all of them have the same paternal base. Every program is phrased in terms of: "This is something we are going to do for them."

I wonder whether much more time and much more hope might be found in structuring programs that permit the migrants to do something for themselves. For example, the right to organize and bargain collectively, the right to strike, the right to close off that Texas border from this hemorrhaging of surplus labor that is coming across daily.

If we just did that, I think the economic position of the average farmworker and migrant would be demonstrably improved. Setting up a Farm Labor Service in which the farmworkers had a strong hand, working in cooperation with the government and the farmer, we may find far more sensitive treatment of that worker and his problems, and how he get around, so his work can be accomplished for his best advantage as well as for the advantage of the farmer.

When dealing with housing problems, we should not just think of ways of bringing housing to a particular site, but maybe clothing the migrant with some power over his own housing problems. Because everywhere the migrant goes today he is absolutely impotent, politically, economically, socially, culturally to affect his own life. In every way he is powerless. He does not count, and I don't think he is even counted.

We do not even do him the courtesy of counting him every 10 years. Thus, for all of our little programs here and there—OEO programs, Labor programs, Agriculture programs—the farmworkers are still the hardest working, poorest paid people in America. He is still, 40 years after the National Labor Relations Act, fighting for the right to be recognized.

I would hope that we could begin to see in the Department of Labor and Department of Agriculture and at local levels, a slight shift, or maybe major shift, in philosophy, directed toward the impotence

which denies the farmworkers the right to say something about his own life.

We have seen the same phenomenon with the American Indian for 130 years; more than any other human being, the American Indian has been the ward of the U.S. Government. We have run his housing, handled his education, provided his jobs. We have done everything for him.

Yet today, in every single indicator, there is the Indian described as a pathetic, hopeless person. He has no power to speak for himself. I would like to see a national policy which deals not alone with the specific programs, but deals with the delivery systems from the Federal level which so many times are frustrated and somehow lose their way.

For example, among Indians we spent $8,200 nationally per capita for every Indian in this country, through Federal programs, but the annual income of Indians is about $1,800. If we just close all these Federal programs down, and send him the money, they would be twice over the poverty line. But by the time the middle class bureaucracy, and regional directors, and national offices, and everybody gets their share, there is nothing left for the Indian, and he is 50 percent below the poverty line.

And there is this phenomenon of white middle-class programs, like the missionaries who come to do good, and do very well for themselves. I think that those people in American society, like the migrant and the Indian, beset with utter impotence, are totally miserable people. And no policy should assume that the American character is suddenly going to change on our own, voluntarily, to become compassionate.

I don't want to paint that bleak picture of America, but I think we do a lot better in American society where those who seek justice have some power to demand justice. The postal carriers gave up. They had the first strikes in 200 years and the Federal Government acted in about 2 days to raise their pay.

We fooled around here for years, passing bills in the Senate but not in the House, passing bills in the House but not in the Senate, passing different bills in the Senate and House, and then not even meeting to resolve differences. Finally, the postal carriers became desperate.

But unlike the migrant, they had something they could do about it, and they had a strike and, boy, did we move. Mind you, never in response to that kind of illegal action. We made that clear. But we got them money fast.

And I think that our bureaucratic insensitivities, our paternalism, creates an insensitivity for illegality that I personally despair. I am a lawyer. I was attorney general in my State. I believe in law and order and justice. I believe in due process. But I think it is wrong for us to believe that somehow we are going to do better with migrant farmworkers than we have all these years unless we give them something to say about their own lives.

Dr. STURT. I agree with you. Anything that can be done to dry up the migrant stream is obviously going to be a step in the right direction, in view of all the social problems attendant to migrancy.

Senator MONDALE. I think migrancy is a curse. We are talking about economics here today, but we have had child psychiatrists in past

hearings, that said the psychological maiming of the migrant child through the failure to have a home, the hostility that child felt wherever he goes, whatever school he is in, and the backroads some of them have to travel—because they are not even permitted to travel on the main road—that these kinds of things destroy that kid's concept of himself.

I think migrancy has to end. I would like to see it abolished.

Dr. STURT. I feel that legislatures, State legislatures and the Congress should sensitize agencies in their own unique way and they have done this in some States, I think.

Senator MONDALE. We have usually done it where our efforts to sensitize here in Washington are backed up by a broad political base back home. Then it usually works, but you look at what we have done for the Indian. He is worse off today than he was 5-years ago.

We have our committees, and we have our meetings, and we have our hearings, and sometimes we even pass legislation. But somehow it does not seem to get down to the folks and make any difference in their lives, because they are not in a position to demand that programs we dream up in Washington are properly responsive to their needs.

Dr. STURT. And migrants generally do not vote. At least they don't vote in Michigan. I doubt if they even vote in the Valley. I would be surprised if they did. In fact, I have had several politicians say exactly this to me, when we tried to arouse interest in some problem, "After all, these people do not vote."

Senator MONDALE. They have some dandy provisions in Texas law that have discouraged registration and voting too. But we won't go into that here.

Dr. STURT. The question of migrants not voting and our responsibility for migrants has been raised in Michigan.

We expect to have 10,000 fewer seasonal farm jobs in midsummer in Michigan. Many migrants will be unemployed. Some say, "Why should Michigan be bearing the brunt of all this?" I would contend that even with all its problems, Michigan is a far better place for the migrant to be than in Texas. This is why they come, even though they think there may not be work.

Michigan can expect some migrants this summer, partly because of the array of services that are available.

All of the migrant problems and farm-labor problems are complex. We have a continuing problem with newspaper and others who want instant analysis and simple answers.

I do feel that your border problem appears to be, from what you are saying, one of the significant things that has to be remedied.

I would also like to submit as part of the evidence a couple other publications. I have given copies of these books on mechnization and manpower to Mr. Chertkov. We have a third book that is coming out on policy recommendations. Essentially, the recommendations will be an attack on agricultural technology. I feel very strongly that the Congress and others across the country have not really faced up to this problem—the human fallout from technology and the imbalance between physical and social research.

I also brought along for submission a study, entitled "Human Relations on Fruit and Vegetable Farms" done by Dr. Voland of the RMC. He writes about the aspiration levels of blacks, whites and browns, for example. There is also a publication by Dr. Myrtle Reul. She is one of the exceptionally well-qualified people in this area. She has written a great deal and spent a year working with migrants, masquerading as a migrant herself. She used to be on our staff, and is now at the University of Georgia. She has a book out, entitled "Where Hannibal Lives," which is the story of her year working in the stream—not observing, but actually working.

With that I would like to thank you for the opportunity to be here. If we can help you in any way, we will be happy to do so.

Senator MONDALE. We are grateful to you for your useful testimony and we look forward to working with you.

Dr. Sturt, since you have been interrupted in your presentation, we will print your statement in full at this point in the record, together with certain of the material which you have appended to your remarks. I note, however, that some of the materials were also submitted yesterday, and may be printed elsewhere in this record.

Again, I want to thank you very much for your contribution.

(The prepared statement and other information submitted by Dr. Sturt follows:)

PREPARED STATEMENT OF D. W. STURT,
Rural Manpower Center
Michigan State University,
East Lansing, Michigan

Some Migrant Worker Needs

There is a quiet crisis smoldering in rural America. Changes in the economic, political, and social organization in rural areas have resulted in low returns for resources and low levels of living. The migratory farm worker is caught up in these changes. Many migratory farm workers, farm operators, and rural non-farm residents are a part of the rural poor, the silent minority in our society that are, in truth, the people left behind.

To understand the problems confronting the migratory worker one must consider what is happening in rural America generally, the impact of agricultural technology upon rural people and the inadequacy of rural institutions in helping rural people solve their problems. There are, of course, a special set of problems, associated with the migrancy of farm workers; however, many of the problems confronting migrants are representative of what is happening to agricultural manpower in general, and what is happening to rural people.

The American public has long been enamored with the marvels of agricultural technology and the cheap food that this technology has made possible. The agricultural establishment, spearheaded by the U.S.D.A. and its land-grant university affiliates, has carried out a massive research and education effort which has made it possible for American farmers to supply the food and fiber requirements of American consumers at relatively low prices. The enthusiastic public support for cheap food policies has tended to place such policies above questioning.

The cost of cheap food is greater than it at first appears. Among other considerations, the cost of cheap food must be measured in terms of what happens to the people involved in the production of this food and what happens to the rural communities where these people live. From the overview, it would appear that the cost is high indeed. The human fallout from unbridled technological innovation includes, among others, many migratory workers.

The Structure of the Hired Farm Work Force - Migratory farm workers in the U.S. are a part of the hired farm work force. In 1968, approximately three million people did some work on farms in the U.S.; however, only 66 percent of these worked more than 25 days. The seasonal work force, those working from 25 to 150 days, numbered approximately one million, with those working more than 150 days numbering about 0.6 million.

Migratory workers are usually a part of the seasonal farm work force, and the number of seasonal farm workers in the U.S. is declining rapidly. In 1968, there were 279,000 migrant workers reported by the Economic Research Service of the U.S.D.A. They worked an average of 124 days per worker, with total farm and non-farm wages averaging $1,562 per worker, or $12.60 per day. Average earnings for farm work only were $917 per worker or $11.45 per day. The numbers of workers, length of time employed, and other statistics relative to migratory and other farm workers is detailed in Table I.

The three migratory worker streams, the East Coast, West Coast, and midwest stream, have been well documented and are shown in Figure I.

Many of the so-called social problems associated with the migrant movement of farm workers--health, education, and other problems--are due to the fact that our society is not geared to accommodate farm workers on the move. Also, community discrimination is a serious problem as migrants seek to obtain services provided for others more permanently located, more readily accepted and accommodated in

TABLE 1. -- Average Number of Days Worked and Wages Earned at Farm and Nonfarm Wage Work, For All Farm Wage Workers, by Selected Characteristics, 1968[1]

Selected Characteristics	Number of Workers	Farm and Nonfarm			Farm			Nonfarm		
		Days Worked	Wages Earned		Days Worked	Wages Earned		Days Worked	Wages Earned	
			Per Year	Per Day[2]		Per Year	Per Day[2]		Per Year	Per Day[2]
	Thous.	No.	Dol.	Dol.	No.	Dol.	Dol.	No.	Dol.	Dol.
ALL WORKERS, 1968	2,919	116	1,346	11.60	79	834	10.55	36	512	14.20
COLOR AND SEX										
White	2,225	121	1,481	12.25	81	883	10.90	40	598	14.95
Nonwhite	693	99	913	9.20	74	677	9.15	24	235	9.80
Male	2,111	137	1,675	12.20	94	1,027	10.90	43	648	15.05
White	1,700	140	1,780	12.70	93	1,050	11.30	46	729	15.85
Nonwhite	411	125	1,245	9.95	98	931	9.50	27	313	11.60
Female	808	60	485	8.10	40	329	8.20	20	155	7.75
White	526	60	515	8.60	40	341	8.50	20	173	8.65
Nonwhite	282	61	430	7.05	40	307	7.65	20	122	6.10
CHIEF ACTIVITY										
Farm work	784	211	2,448	11.60	199	2,274	11.40	12	174	14.50
Farm wage work	649	239	2,745	11.50	228	2,598	11.40	10	147	14.70
Without nonfarm work	525	240	2,755	11.45	240	2,755	11.45	---	---	---
With nonfarm work	124	231	2,701	11.70	176	1,931	10.95	55	769	14.00
Other farm work[3]	134	78	1,011	12.95	58	708	12.20	20	303	15.15
Nonfarm work	373	224	3,511	15.65	39	456	11.70	185	3,055	16.50
Unemployed[4]	37	---	---	---	---	---	---	---	---	---
Not in labor force	1,725	50	388	7.75	34	271	7.95	15	117	7.80
Keeping house	449	43	339	7.90	33	269	8.15	10	70	7.00
Attending school	1,107	53	383	7.20	35	263	7.50	18	120	6.65
Other	170	50	545	10.90	35	326	9.30	15	219	14.60

See footnotes at end of table.

4567

TABLE 1. -- (continued)

Selected Characteristics	Number of Workers	Farm and Nonfarm			Farm			Nonfarm		
		Days Worked	Wages Earned Per Year	Wages Earned Per Day[2]	Days Worked	Wages Earned Per Year	Wages Earned Per Day[2]	Days Worked	Wages Earned Per Year	Wages Earned Per Day[2]
	Thous.	No.	Dol.	Dol.	No.	Dol.	Dol.	No.	Dol.	Dol.
DURATION OF FARM WAGE WORK										
All Workers										
Less than 25 days	1,299	59	789	13.35	10	85	8.50	48	703	14.65
25-74	731	78	823	10.55	45	398	8.85	33	424	12.85
75-149	308	154	1,687	10.95	108	1,089	10.10	45	598	13.30
150-249	256	214	2,268	10.60	200	2,044	10.20	14	223	15.90
250 and over	324	318	3,705	11.65	312	3,616	11.60	6	89	14.85
All workers who did 25 days or more	1,620	162	1,793	11.05	135	1,434	10.60	27	358	13.25
Migratory	279	124	1,562	12.60	80	917	11.45	43	644	14.95
Nonmigratory	2,640	115	1,323	11.50	79	825	10.45	36	497	13.80

Numbers of workers are rounded to the nearest thousand without being adjusted to group totals.

[1]Does not include the value of perquisites.

[2]Rounded to the nearest 5 cents.

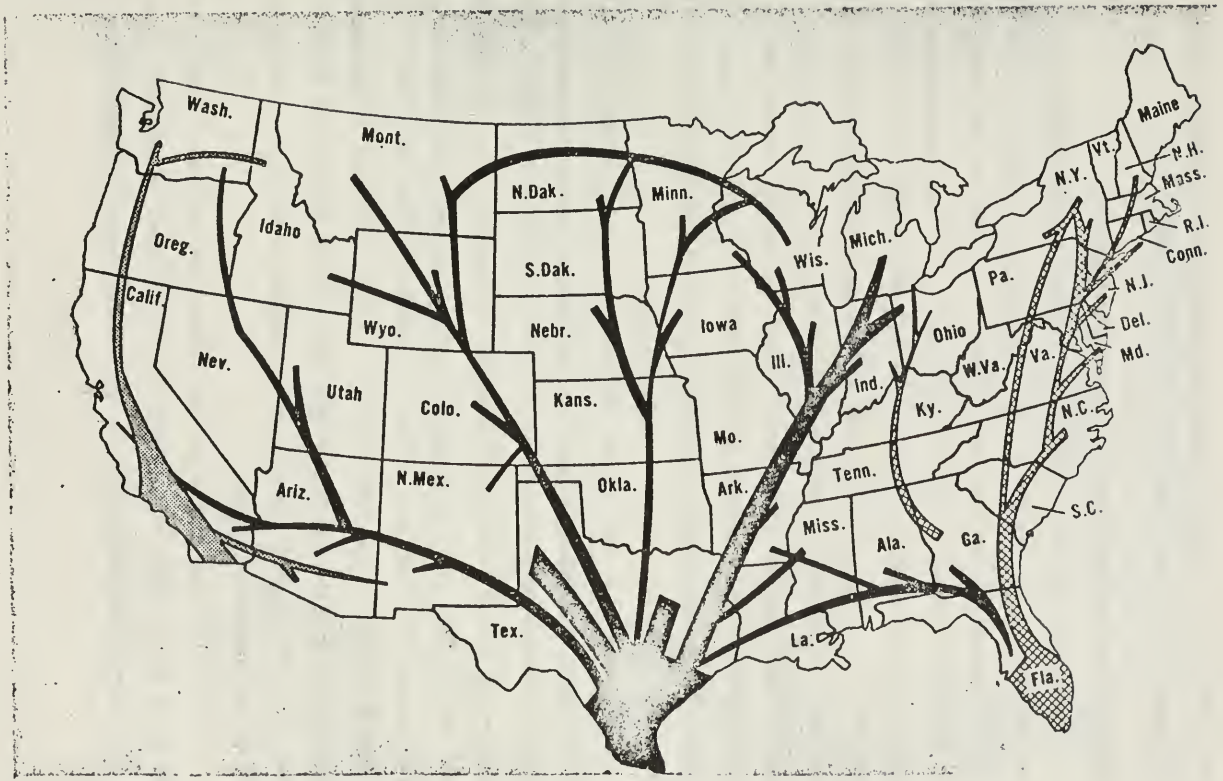
[3]Includes operating a farm and unpaid family labor.

[4]Averages not shown where base is less than 50,000 persons.

The Hired Farm Working Force of 1968, U.S.D.A., Agricultural Economic Report No. 164, pp. 15, 16, and 18.

4568

Figure 1. -- , **Major routes followed by migratory farmworkers***



*1966 Manpower Report, U.S. Department of Labor, p. 129.

rural communities. The relatively low status of farm work affects all hired farm workers, particularly seasonal workers on the move.

Technology and the Future Demand for Seasonal Workers

Mechanization and new technology, particularly in the harvesting of fruits and vegetables, is rapidly reducing the requirements for seasonal farm workers. The Rural Manpower Center task force, estimating the number of farm worker jobs which will be displaced by 1975 in the harvesting of fruits and vegetables in the U.S., has indicated that there will be some 250,000 fewer jobs in 1975 than 1968. This includes 53,540 fewer harvest jobs in California, 50,774 fewer in Oregon, 35,782 fewer in North Carolina, 19,497 fewer in Michigan, 18,271 fewer in Washington, and 13,553 fewer in Texas. I feel that these estimates are conservative. Many of these jobs will be those involved in the harvest of grapes, bush and pole beans, and cucumbers. The 1968 seasonal peak employment by crop and state is indicated in Tables 2 and 3.

Most important is the fact that the complementerity in employment will be significantly disturbed. Michigan is a good example. Michigan has some 30 crops involving seasonal farm workers. Usually farm workers come to Michigan in May and June for work in harvesting strawberries and asparagus. From this work they move into the cherry and pickle harvest, which is followed by the tomato and apple harvest. This year most of the tart cherries and about 40 percent of the cucumbers will be harvested mechanically. All crops considered, during the mid-season period from mid-July to mid-August there will be an estimated 10,000 fewer jobs. This creates a special set of problems for the workers, the growers, and for the communities involved.

Mechanization also creates new jobs; however, most migrants do not possess the skills to fill these jobs. A good cherry picker does not necessarily make a good cherry harvester operator. In fact, it would appear that most migrant

TABLE 2. -- Estimated Peak Seasonal Employment, by Major Crop, United States, 1968[1]

Crop	Peak Seasonal Employment, 1968	
	Number of Workers[2]	Date
Strawberries	119,000	June
Tomatoes	84,900	September
Beans	77,900	August
Bushberries	57,500	July
Apples	57,300	October
Grapes	53,000	September
Potatoes	52,600	October
Cucumbers	46,900	August
Citrus Fruits	42,100	December
Peaches	37,400	July
Cherries	31,700	July

[1]Crops listed are those in which 30,000 or more seasonal hired workers were employed at midmonthly peak.

[2]Employment in all activities including planting, cultivating, and harvesting.

Bureau of Employment Security, In-Season Farm Labor Reports for the 15th of each month, U.S. Department of Labor.

TABLE 3. -- States Employing More Than 10,000 Domestic Migratory Workers at Peak Employment and Number of Workers Employed, Periods of Employment, and Month of Peak Employment, 1968 [1]

State	Peak Number Migrants Employed	Periods of Employment	Peak Employment
California	62,500	Jan.-Dec.	September
Michigan	40,000	Apr.-Nov.	August
Florida	21,500	Jan.-Dec.	February
Texas	19,800	Jan.-Dec.	July
Ohio	18,500	May -Oct.	September
New York	14,800	May -Nov.	September
Oregon	13,300	Jan.-Dec.	August
Oklahoma	13,000	Jan.-Dec.	June
Washington	12,500	Jan.-Dec.	June
New Jersey	12,100	Apr.-Nov.	August

[1] Migrants include intrastate and interstate workers.

Bureau of Employment Security, U.S. Department of Labor.

workers do not possess the basic mechanization skills to successfully compete for these jobs, and they are being filled by local workers.

The Migrant in Transition - The migrant farm worker is but one part of the massive migration of people from rural to urban areas and from farm to non-farm work. From 1960-66 the average annual net migration of farm people to urban areas was about 800,000, many of whom were farm workers. For farm workers the move to the cities has been more "push" than "pull". There was no other place to go. Migrant farm workers have been caught up in this mass movement.

The hidden hardship in migration is the backmovement, where people move back and forth between geographical areas in search of work and an environment in which they feel culturally comfortable.

In Michigan a study of the Mexican American migrant in transition in which the various stages of transition have been explored indicates that some 1,000-1,500 Mexican Americans drop out of the stream each year and attempt to settle in Michigan. Jobs, housing, kinship ties, and the like all play an important part in the settling out process.

Immediate Needs

Some of the immediate needs of migrant workers are similar to those of other rural people; however, the needs of migrants tend to be more acute.

1. Adequate housing is needed both for migrant farm workers employed in agriculture and those who wish to move into non-farm jobs. Migrant housing for those employed in agriculture has improved, and growers will continue to improve housing as licensing and other forms of encouragement take effect.

   Providing adequate housing for migrant agricultural workers places a special economic hardship upon many growers, especially when the

housing is used for only limited periods during the year. Recognizing this in Michigan, for example, the state legislature is considering a cost-sharing proposal whereby the state would enter into a partnership with the grower to upgrade the quality of housing. Cost-sharing in housing with the state and federal government participating with the grower would appear to be a step in the right direction.

2. Improved health, education, and welfare services for migrant workers and their families are needed. Already there are special programs of this type underway; however, efforts must be made to make them more responsive to the needs of migrant people.

The need for special food and food stamp programs for migrant families is obvious, particularly during those periods when jobs are not available. The bureaucratic bottlenecks that migrant families encounter as they attempt to participate in food and food stamp programs is most discouraging. In view of the average income of migrant workers and the length of time employed, perhaps it would be in their best interest and the public interest to waive the requirements and permit all inter-state migrants to participate in these programs.

Equally important is the need for equity of access to the on-going social and other services provided in the communities where migrants temporarily reside. The barriers to obtaining these services are manifold, including language barriers, transportation difficulties, psychological barriers, and the insensitivity and resistance of local public servants. There is a serious lack of coordination among agencies providing special migrant services; the overlap could perhaps be avoided through the use of state and local coordinating councils as well as through the establishment of migrant one-stop service centers.

3. Employment services for migrant farm workers should be improved. Migrants need better information on the availability of jobs; they need assistance in job scheduling. In spite of the surplus of workers in general, individual growers may not be able to find an adequate supply of workers because of the distribution of workers with particular skills at a particular time.

   As migrants search out non-farm work, special employment assistance is necessary, not only job information, but also the bundle of services that will assist him in making the transition to a dramatically different type of work in an oftentimes hostile environment.

4. Training and basic education are paramount needs for the migrant who is leaving agricultural employment, as they are for many workers who will be remaining in agriculture. Increasingly, jobs in agriculture will require the skilled and the semi-skilled, for both seasonal and year-round employment. Migrants should be included in on-going training programs as well as programs designed especially for them. Mechanization training which prepares migrant workers for both farm and non-farm work is one type of training that appears to offer promise. More attention should be given to training migrant workers at their home base, which for many Mexican-Americans, means Texas.

Long-Run Needs

Other long-range and more comprehensive approaches could have a far reaching and positive impact upon the future of migrant farm workers and farm workers in general as well as the rural poor, which includes many farm operators.

1. Technology is not without its costs, and a mechanism should be developed to guide the rate and direction of technological change in agriculture. Inter-departmental and intra-departmental technology councils should

weigh the anticipated impact of public investments in technological research. The imbalance towards physical science research should be redressed in order to encourage more social science research. A product orientation should give way to a people orientation, as the human consequences of technology are put in proper perspective.

2. A system of social and economic rewards based upon human resources rather than property resources should be encouraged. Along these lines, wage supports would be more appropriate than price supports.

   For example, a proposal being considered by the Michigan Agricultural Labor Commission would provide a one percent handling tax on all food, the revenues to be used to subsidize worker wages, improve housing, etc. Such a program would permit consumers to help improve wages and the cost would be nominal. Perhaps it would also discourage the rapid shift towards mechanization as growers attempt to cope with the technological treadmill.

3. Rural people deserve equity of access to all public services, and organizations and agencies should be sensitized to provide these services to all rural people, including farm workers. The disparity between the quality of services offered to rural and urban people is further compounded when one considers the quality of services provided many rural people who, for a variety of reasons, are beyond the service horizon of many rural agencies and organizations. Many rural people are untouched by federal, state, and local agencies operating in rural America; the purveyors of these services are not psychologically or socially geared to accommodate the special needs of many of these people, with whom they have great difficulty identifying.

4. Innovative legislative and administrative institutions must be designed to provide for rural workers the benefits and protection that have been

provided for non-farm workers, recognizing the significant differences between the farm and non-farm situation. Appropriate avenues to provide farm workers the advantages that have been provided non-farm workers through social legislation must be devised in order to achieve the same "ends" via a more fitting "means".

5. The instability of agricultural employment, due in part to the seasonal nature of agricultural work, is a major problem confronting many hired farm workers, including migratory workers. Non-casual farm workers worked only 135 days doing farm work in 1968; migratory farm workers averaged only 80 days of farm work. More complementary work opportunities must be explored to provide more work days per year for all of these workers. A guaranteed annual wage to help stabilize income should be explored further.
6. Rural people need better manpower services. They need access to the whole spectrum of services that could equip them for today's job market, including counseling, training, and job information. Recognizing the significance of slowing down the flow of people from rural to urban areas and the need for rural community development, emphasis should be placed upon taking jobs to people rather than people to jobs. Various incentives for improving employment opportunities in rural America have been proposed, and should be considered; however, comprehensive manpower services must be coupled with these efforts. To provide the manpower services needed by rural America, including migratory farm workers, an expanded rural manpower service within the U.S. Department of Labor is a must.

There will continue to be a demand for a limited number of seasonal farm workers. Mechanization has made dramatic inroads upon the labor requirements

for some crops; other crops will be hand harvested for years to come. The development of local sources of farm labor supply provides one alternative to the migratory movement of people.

For many migrants there are few alternatives in other forms of work. And yet, our society does not accommodate such workers very well. As time passes, the number of migratory workers will continue to decline, with only highly specialized workers continuing in this type of work.

The fate of the migrant farm worker is inextricably interwoven with the fate of agriculture and rural people in general. As long as public policy in the U.S. is dominated by the drive for cheap food, as long as rural people and rural areas are discriminated against in their quest for a fair share of governmental services and assistance, many rural people, including migrant workers, are destined to remain the people left behind.

Excerpts from

"HUMAN RELATIONS ON MICHIGAN FRUIT AND VEGETABLE FARMS,"

By Maurice E. Voland*
Department of Sociology
Michigan State University

This is a summary of the project: "A Study of Interpersonal Relations Among Managers of Employees of Fruit and Vegetable Farms With Emphasis on Labor Management Practices Utilized." This project was conceived by the late Professor James R. Hundley of the Department of Sociology at Michigan State University. This report is dedicated to his inspiration and memory.

"The material in this project was prepared under a Grant from the Office of Manpower Policy, Evaluation and Research, U.S. Department of Labor, under the authority of Title I of the Manpower Development and Training Act of 1962. Researchers undertaking such projects under government sponsorship are encouraged to express freely their professional judgement. Therefore, points of view or opinions stated in this document do not necessarily represent the official position or policy of the Department of Labor."

---

*Assisted by: Charles W. Given and William E. Vredevoogd, Department of Sociology, Michigan State University, East Lansing, Michigan.

Introduction

During the past twenty years there have been many investigations and descriptions of the migrant agricultural labor force. In many cases the reports cast the employers of migrants as hard taskmasters, demanding long hours of hard work in return for extremely low wages. Few of these studies attempt to analyze in an objective manner the conditions of the migrant laborers and their relationship with employers and other members of the communities in which they work.

To our knowledge, social scientists have not systematically investigated the labor-management relations within agricultural work groups, especially the relationship of migrant agricultural labor to their employers. This study was conceived to answer the following questions:

> What is the nature of the supervisory problem from the perspectives of the manager and of the worker? What effect do various kinds of interpersonal relationships have on work performance on fruit and vegetable farms? What is the effect of various management practices on the farm work group? Is it possible that both the manager and the worker can change their behavior to make the work situation more satisfactory? What is there about the work situation that could be changed to further accommodate both the farm enterprise and the farm worker? What are the interpersonal factors involved in less than full labor and farm productivity? What is the nature of conflicts and disagreements within the farm work environment? How do managers and workers perceive the work situation and its problems? What are the complaints on both sides?

Other studies completed by the Rural Manpower Center at Michigan State University found that Michigan farmers tend to neglect labor management practices. This study was undertaken to inventory the types of management and supervision practices utilized by Michigan fruit and vegetable farmers and to determine which of the practices used by these farmers prove most effective.

For the purposes of this study, a stratified random sample of 100 farms that held Migrant Labor Housing Licenses during the 1966 growing season was drawn. Interviews were completed with 76 of the original farm operators included

in the sample. Of those 24 cases that were not included, 10 had gone out of business since the summer of 1966, six had changed their mode of operation so that they would not be employing migrant labor during the 1967 growing season, and eight were out of the state and not available for interview during the interviewing period.

Due to the budgetary limits of this study, no substitution was made for these 24 cases. However, the 76 cases included in the study are considered to be representative of all farm operations that utilize migrant agricultural labor in their farming operations in Michigan.

The research design called for the selection of a limited number of this original sample of farms for re-contact during the harvest season. At this time observations of the work flow of the farm and supervision style of the farm operator were recorded, and interviews with members of the migratory labor force who were working on the farm were conducted. Consequently, a purposive sample was drawn from the original sample that would represent proportionally by size of crew and crops harvested, all fruit and vegetable farms in the state that utilize migrant labor for harvest purposes. Migrant laborer heads of households and single males over 16 years of age who were not traveling with their families were interviewed on the 38 farms that were included in this purposive sample. A total of 238 interviews were completed with migrant laborers.

* * * * * *

PART III

Summary and Observations

The brief analysis of the data presented thus far in this report does not give the total picture of the farmer-migrant situation in Michigan. Much of the rich insight that can be gained from a study such as this does not come from "hard" survey data, but is found in the impressions picked up by the field staff, intuitive joining of disparate fragments of data, comments made by various respondents and the climate of the total community in which the research was conducted.

Since this study dealt with structural variables, we did not utilize any social-psychological variables that might give us insight into the makeup of the individual. However, one of the key intuitive pieces of data the research team gained from the field was the fact that the attitude of the farmer toward his crew of migrants, and toward migrants in general, is one of the key factors leading to satisfaction or dissatisfaction on the part of migrants. The data presented earlier bear out again what is generally perceived as being important for maintenance of good employer-employee relations: wages and housing. We did not measure attitudes of the farm operators in this study. Repeatedly, however, the respondents indicated that the way the farmer treated them was just as important, or in some instances more so, than the wages he was paying or the housing that he provided. The farmer whom they considered to be kind, understanding, sympathetic, concerned, helping and a conscientious businessman was adjudged the most desirable man to work for. In most cases this year, the wages paid were quite similar for crop and time of the year, this being to some degree dictated by the new Minimum Wage Legislation that became effective this season. On the other hand, there was a great variation in size, condition and quality of housing as well as other facilities offered by the farmer; when the migrants perceived that the farmer was interested in them and concerned with them as people, they were much more willing to put up with deficiencies in the housing than they were when the farmer wasn't perceived so favorably.

The informal network that exists to tie migrant families and crews together over a large geographic area is quick to transmit both positive and negative information about a particular farmer. These same informal networks perhaps are one of the prime reasons that some farmers find it relatively easy to maintain a full crew, while others never find enough help. This might be demonstrated by the fact that the one farm in the sample that demonstrated the

greatest holding power in regard to a migrant crew (members of the same families had been returning for 20 years) had some of the worst housing that interviewers saw during the entire summer - but the farmer was a very likable sort of person.

Another important factor is the number of months each year that migrant labor is required to harvest crops. Those farmers who had only one crop, such as cherries, where the picking season rarely exceeded three weeks, seemed more concerned for migrant welfare than those farmers who hire different crews throughout the summer. This difference seems attributable to two factors. First, the majority of single crop farmers were involved in cherry production. The major cherry producing area is centered in a small geographic area. Thus, there is keen competition for workers during this one short season. This competition is limited to a small area, and farmers must go all out in order to lure sufficient help to harvest their crop. Secondly, the harvesting season for cherries is short. The product must be harvested at a certain time with only small tolerance for early or late harvest. This also sharpens competition for labor, motivating the farmer to utilize all methods at his disposal to obtain a sufficient quantity of workers. This suggests that the farmer who is dependent on one crop for his livelihood (tart cherries) is more conscious of how important it is for him to maintain good labor-management relations, and therefore, he always attempts to keep his best foot forward so that he will not be caught short without a harvest crew. On the other hand, when the farmer requires a steady crew for a large portion of the harvest season, it might be said that due to increased interaction over a long period of time both the migrant workers and the farmers are better able to accommodate to the needs and wishes of the other group.

It seemed significant that farmers who had long industrial employment experience were much more aware of the needs of the migrants. Perhaps, having been

defined as "labor" more often than not in his industrial experience, he was more aware of the special needs and desires of that group. Consequently, when he assumed the management role in the farming operation, he was more willing to accommodate to the needs of his employees.

When we look at the communities throughout the state in which the migrants work, we sense a great variation among communities in their response to the migrant workers. It seemed that where migrants were used for the harvest of only one crop (cherries), the community tended to be much more sensitized to their needs. It seemed to us that these communities had made greater efforts to provide for medical facilities, day-care for children, special recreational activities, stocking of special food items in grocery stores and generally a more open and permissive atmosphere than was evident in communities where migrants were present over a longer period of time. This probably results from the economic dependence of farmers and thus of the larger community on sufficient numbers of migrants in order to successfully and profitably harvest the crops. Consequently, they were especially conscious of what was required for maintaining good migrant-community, and concurrently, migrant-farmer relations.

In contrast, where migrants were in the community over a long period of time during the season, the community seemed to forget that these people were present. In Southwestern Michigan the largest number of migrants are present during the strawberry harvest early in the season. It is at this time that the communities open up and extend courtesies to the migrants who are present. This is the period when religious and community organizations are especially active in the communities and the migrant camps, attempting to meet the needs of the individuals. However, following strawberry season, the people of the community seem to forget that there still are large numbers of migrants who are working and will be working there until late in the fall. Most community

and religious organizations seem to curtail their activities or cease operation entirely following strawberry harvest. Consequently, as the season progresses, it becomes more and more difficult for the migrant to obtain the various services that he might require from the community, and even the businessmen who may be willing to take their money have little desire to accommodate the special wishes and needs of the migrant labor force.

Moving on to another important subject, we need to consider the rapid increase in mechanization in the harvest of almost all horticultural crops in Michigan. In the not too distant past, in addition to harvesting fruits and vegetables, migrant laborers were required for hoeing and weeding of many crops. Today, selective herbicides have been substituted for a large proportion of the hoeing, so there is little of this type of work left for the unskilled migrant. Technology as well as plant breeding have made it possible to mechanically harvest almost all fruit and vegetable crops grown in Michigan today. The few exceptions seem to include strawberries and peaches--and they may not be holdouts for many more years.

Consequently, as mechanization moves more and more into the harvest of these crops, smaller numbers of migrants will be required for harvest. In many cases, one mechanical harvester manned by one to five workers will displace 100 or more hand pickers. Two questions plague us here--(1) What will become of those who are displaced by machines? and (2) Where will farmers find people who have the skills to operate the mechanical harvesters and allied equipment?

These questions bear directly on the age, educational level, and other skills of the migrant group. The Negroes and the Mexican-Americans in our sample demonstrate the possibility of breaking out of the migrant cycle. The Mexican-American as well as the Negro respondents in this study placed a high value on education for their children. The Negro respondents had higher

36-513 O - 71 - pt. 7B -- 5

educational attainments themselves than the other two ethnic groups. Our impression was that there would still be enough jobs requiring hand picking during the next 10 years to keep the diminishing numbers of Negroes and Mexican-Americans who were older, less skilled, and less educated busy. In time, however, even these reduced numbers of migrants will no longer be needed. Their children seem destined to receive a much better education than they themselves had and should be able to fit into the industrial labor market better than their parents did. The children have the ability to capitalize on increasing opportunity in industrial and service employment, and they should not be forced to seek employment in the fields. However, the picture for the Southern white respondents in our study does not seem to be as bright. Their low educational attainment, low educational aspirations and low commitment to education for their children, their negative experiences in the industrial labor market, and their high incidence of social deviance seem to suggest that these people and their offspring will not fit into the urban-industrial-service economy in the future.

Perhaps, if we consider that many of the Mexican-American and Negro respondents look upon migratory agricultural work as a way "up and out" for themselves or their children, we can understand their higher levels of aspiration. This group of respondents was interested in something better for themselves, but especially for their children. By and large, our Southern white respondents were failures in society. Many of them had industrial employment experience, but they had been ejected from the industrial labor force for one reason or another, and the doors to re-entry were closed to them. Many of them had marked patterns of social deviance and had escaped to the migrant agricultural work force because of the cloak of anonymity it afforded them. In short, our Southern white respondents seemed to represent that segment of our population who had

lost on every count and had no hope of recouping their losses. With this in mind, perhaps we should consider our second question--where is the farmer to find the people to operate his mechanical harvesting equipment during the harvest season? It seems evident that there will not be enough local labor available during the harvest season to man this equipment, so outside help will be required for some time to come. However, it takes an operator with some mechanical skill to keep in operation many of the complex pieces of harvest equipment. In addition, due to the high cost and complexity of the harvest equipment and the short harvest season, the farmer cannot gamble on breakdowns of the equipment--and by the same token cannot afford to have standby equipment.

As far as we can tell, few Mexican-Americans and Negroes have experience with machinery. The Southern white members of the sample demonstrated considerably more experience, but their social instability is such that they are generally poor risks when assigned to the complex mechanical harvesting equipment. It will be necessary to help more migrants gain the necessary skills to operate the harvest equipment or further modifications of the equipment to require even less manpower will have to be made if the farmer is to be able to harvest his crop.

Due to the present low skill level and the high incidence of social deviance and instability generally present in the migrant work force, the farmer will need to become a more innovative manager if he is to retain a competitive position in tomorrow's agriculture. He must concern himself with work simplification which will make it possible for him to utilize the unskilled workers who will be available to him. He will need to become more aware of his personal relationship with his workers in a positive manner. It would appear that advancing technology will never make it completely possible to replace hand labor for those farmers raising horticultural speciality crops. Thus, these farmers

will need not only to sharpen their skills as businessmen, technicians, as plant and soil scientists, but as labor managers as well.

From the observations made in this study, it can be concluded that many of the horticultural speciality crop farmers in Michigan today do not possess those needed skills, and they will fall victim to the advances that are being made in agriculture. It impressed this research team that farmers who possessed the needed labor management skills to evoke a high level of productivity also maintained high morale and job satisfaction among their workers. However, farmers lacking these labor management skills also seemed to lack one or more of the skills that will be necessary to maintain a competitive position in tomorrow's agriculture.

Senator MONDALE. Our next witness is Mr. Robert Gnaizda, deputy director of California Rural Legal Assistance.

Will you please proceed as you wish.

STATEMENT OF ROBERT GNAIZDA, DEPUTY DIRECTOR, CALIFORNIA RURAL LEGAL ASSISTANCE, SAN FRANCISCO, CALIF.

Mr. GNAIZDA. After your latest comment, I am not sure it is necessary for me to speak at all. I concur with your criticisms and lack of faith in the bureaucracy and paternalism that exists.

The title of my prepared testimony is "The Grapes of Wrath" and the Labor Department-sponsored "Harvest of Shame." I would like to submit it for the record along with some court briefs, at this point.

Senator MONDALE. We will print the entire statement.

(The information referred to follows:)

"THE GRAPES OF WRATH" AND THE LABOR DEPARTMENT-SPONSORED HARVEST OF SHAME

By Robert Gnaizda,
Deputy Director, California Rural Legal Assistance, Inc.

Three decades ago, John Steinbeck recorded the Joad family's futile struggle to earn 15 cents an hour while competing with 300,000 surplus farm workers brought to California by grower promises that outweighed the available jobs in order to depress wages and working conditions. (I have attached the applicable page as Exhibit 1, because it accurately summarizes present conditions.)

Despite the 1933 Wagner-Peyser Act, and despite some glorious rhetoric, the only significant change for the migratory farmworker since the Thirties is that the grower has been joined by one of the most powerful and wealthy, albeit benign corporations in America, the federally-supported and sponsored State Farm Labor Service (1970 fiscal year budget: $21,215,000, and 2000 employee-slots).

A former California Farm Labor Office employee, and ex-mayor of Hollister, recently filed an affidavit with a Federal Court in San Francisco (250 Farmworkers v. Secretary of Labor George Shultz, N.D. Cal. C-70-481 AJZ) that conditions for the farmworker had not materially changed since the 1930's and that the federally-sponsored Farm Labor Offices were assisting the grower in his exploitation of the farmworker.

> "The Farm Labor Office is a grower-oriented, grower-dominated and grower-staffed operation. It virtually

> ignores the interest of the farmworker; . . . the farmworker would not suffer at all if the Farm Labor Offices in California were terminated. In fact, conditions for the farmworker would improve if the Farm Labor Offices were eliminated. The Farm Labor Offices, for example, knowingly refer workers to growers offering unsafe, unsanitary working conditions, and allow unsafe housing to be considered a part of the pay of the farmworker.
>
> "In fact, the Farm Labor Offices do not even serve the best interests of many growers. Growers that provide prevailing wages and good working conditions do not need the services of the Farm Labor Office and seldom call upon the Farm Labor Offices.
>
> "The growers that are most dependent upon the Farm Labor Offices are those growers who offer poor working conditions and poor wages."

The plight of the migrant farmworker in California, when confronted by the combination of a Green Giant Company, a United Fruit, or a Purex Company (Purex alone grossed $50 million from American agricultural interests in 1969), and assisted by the 100%-federally-subsidized Farm Labor Service, is best expressed by 3 Imperial Valley, California, migrant farmworkers in affidavits filed in a recent federal court action against Secretary of Labor Shultz (250 Farmworkers v. Shultz, supra.) Carmen O. . . . . stated that:

> "On September 2, 1969, I and about 35 to 40 other farmworkers were hired at the California Farm Labor Office at Calexico to go and work for the Green Giant Company in Illinois. They promised that all of us would be able to work up to ten hours a day at a $1.65 and some even at $2.00 per hour. . .
>
> "The checks we got were always very little for all the work we did. . . [Net pay of $32.05 for 89 hours of work or 36 cents an hour: see attached company wage receipt, Exhibit 2] They charged us for everything, like insurance. . . we also had to pay a lot for food and housing and laundry, since their prices were so high.

The Farm Labor Office had told us we would make a lot of money so we could send some home, but there was nothing left after all the deductions.

"We couldn't come home because we didn't have enough money after all the deductions, and also because they said if left we would break the contract and they would deduct the cost of transportation to Illinois from our checks. We tried to tell the supervisor they were breaking their promises, and he answered if we didn't like it, he would fire us, and we would have to find a way to come home. We were like slaves.

"We were brought back to Calexico about the thirteenth of October, and said it wasn't right the Farm Labor Office did what they do to the people, and they took advantage of us, but they, [the Farm Labor Office people] just laughed at us."

Gumberto V..... testified that:

"In March or April of 1968, the State Farm Labor Office in Calexico had a sign posted in its window saying that Green Giant Company needed men to go to their fields in Washington State to work cutting asparagus. The sign said the workers would make from $25 to $30 per day, and would get a $30 advance to send home to their families once they arrived. This sounded like good pay, and my family in Calexico needed money, so I took the job. I figured that I would send most of the money that I earned each week home to my family. When we came back to the Day Haul Center the next morning, a bus owned by a man from Salinas named A..... was waiting to take us to Washington.

"His bus was old and in very poor condition. There were holes in the floor of the bus and fumes from the exhaust often bothered us. Once the fumes were so bad that the bus had to stop so the workers could get some fresh air, and buy pills for our headache pains. Another time, outside of Banning, California, the bus broke down and the workers had to wait on the side of the road until it was fixed.

"During the whole bus trip we were not given food, but rather had to buy our own food with our own money. . .

"When we arrived in Washington, we found that the camp was crowded with people. As our bus from California was pulling in, other buses were arriving from El Paso, Texas, and Nogales, Arizona. According to my calculations, there were at least 500 people in the camp at

that time. Unfortunately, there was not enough work for all of us. . . We were allowed to work only two to three hours per day. Some of us were given no work at all. Also, they told us after we arrived that we would not be given [the promised] $30 in advance, but would have to wait for at least a week before we would receive any money at all. . .

"The work prospects were so bad that many people began leaving the camp. One group of workers tried to get on a bus, but the bus agency would not sell any tickets to workers who wanted to ride south. I saw another group of workers waiting at the railroad tracks to jump a train heading back to California.

". . . after I got back to Calexico, I went to the State Farm Labor Office to try to find a job. I was really surprised to see that the State Farm Labor Office still had its sign posted asking people to go to work for Green Giant in Washington. I began telling some of the workers who were standing next to me what the working conditions really were like up in Washington with Green Giant. Mr. Eddy A....., an employee of the Farm Labor Office, came up to me and told me to stop saying such things. He began swearing and shouting at me, and he threatened to send me to jail."

Migrant farmworker Manuel R.....:

" [On August 4, 1967,] about 200 men and 60 women were contracted by the State Farm Labor Office in Calexico to go to work in the corn cannery in Glencoge, Minnesota, for the Green Giant Company. . . When we arrived in Minnesota, we were without work for about one week because there wasn't any corn for canning. . . There were farmworkers that wanted to return to California in any manner that they could, but the company refused to bring them back. . . Sometimes we had to work many hours in order to have some money left over to send home. Once I worked thirty-six hours standing, without any sleep, and there were several people who worked more hours than I did.

"When I returned to Calexico, California, I went to the Farm Labor Office and complained about what had happened to those of us who went up there to work and how we were abused by the company, but they [the Farm Labor Office] didn't pay any attention to me. . . I have now stopped using the Farm Labor Office because of my bad experience with them, but every week I hear workers complaining about how they are treated by the Farm Labor Office."

A Breakdown in Law and Order: the California Farm Labor Office

The California Farm Labor Office is the largest and most heavily subsidized of the Farm Labor Services. (It has 449 employees and received approximately $3.5 million for the fiscal year 1970, or 15% of the national total.) Under the administration of Secretary of Labor Wirtz, the Farm Labor Service, despite its rhetoric, was anti-farmworker and actively served to depress wages and working conditions, primarily through the device of referring a surplus of workers to growers and farm labor contractors who operated in wholesale violation of the minimum wage, and health and sanitation laws. Despite the express desire of Secretary of Labor Shultz to up-grade all workers, including farmworkers, no changes have been instituted. Federal regulations, promulgated many Secretaries of Labor ago, promised to the farmworker "jobs which utilize their highest skills." (20 CFR 604.1 (F))

"Whenever possible, place workers on jobs which use their highest skills or provide the highest earning potential." (Calif. Regs., pursuant to 20 CFR 604.1 (K))

> "A domestic unemployed [farmworker] is entitled to the best job we have to offer. . . the best job is that job which will provide. . . an opportunity to utilize his highest skill . . . has the highest earning potential or longest job duration. . . and the most desireable working conditions." (Calif. Reg. 2159)

The California Farm Labor Office, according to its statistics, contends that it found jobs for and placed 1.3 million farmworkers in 1968, and 1.7 million in 1969. Interestingly, there are only 260,000 farmworkers, including migrants, in

California. More interesting, the office's statistics show a 30% increase in job placements, while actual jobs in agriculture decreased by ten percent. The best proof that these so-called statistics are more air than earth is that in 93% of the placements, the Farm Labor Office has acknowledged that it does not know, much less have a record of, the farmworker's name, or address, or social security card. The Office also acknowledged that the same unknown worker is often counted as 250 placements a year -- one for each working day.

The Sonoma [Wine Country] Farm Labor Office is a typical California Farm Labor Office and is considered by many to be one of the "best" in California. According to the Federal Court deposition of its long-time manager, the office has never been criticized by any of its supervisory personnel, and, in his words, there is absolutely no room for any improvement. (Deposition, pp. 78-79, 103-105) According to his federal testimony:

(1) "The primary and major purpose of the Farm Labor Office is to harvest the crops." (p. 208)

(2) none of his fifteen employees speak any Spanish, despite 60% of the farmworkers he allegedly places speaking only Spanish (pp. 21-23);

(3) all of his primary staff are growers and they frequently refer farm workers at undetermined wages to their own ranches despite those ranches not having either toilets or drinking facilities as required by state law (pp. 257-261);

(4) even if 1,000 documented farmworker complaints were made about a specific grower violating state sanitation laws in regard to toilets and drinking water, the Farm Labor Office would still serve the grower (pp. 135-138);

(5) his office has a blacklist of so-called troublesome farmworkers, but it is not the function of his office to record complaints made by farmworkers against growers (pp. 128-133);

(6) even though many workers are not paid the wages they are promised, the Farm Labor Office will not verify wages (pp. 60-62);

(7) farmworkers can and are knowingly referred to growers who unlawfully employ illegal aliens [wetbacks] (pp. 191-197);

(8) his office refers farmworkers to growers who disobey state sanitation laws, such as those requiring toilets and drinking water (pp. 55-56, 191);

(9) despite the harm to 37,500 California farmworkers caused by excessive use of dangerous pesticides by employers, no farm labor office requires growers to even provide a list of pesticides being used (pp. 156-167);

(10) the Farm Labor Office has not provided any counselling or any testing to any farmworkers, despite federal regulations requiring such counselling (pp. 219, 222,223);

(11) the office frequently meets with growers (pp. 82, 139-141), but has never met with any farmworkers or ever visited any farmworkers (pp. 115-116);

(12) all jobs, whether they be for a half-hour or for two to three months are given the same statistical weight and the same emphasis by his office and no type of job is given any preference (p. 171);

(13) even though industrial workers are provided with a full choice of all available jobs by the Department of Employment, the Farm Labor Office believes that a farmworker should only be given one job referral, selected by the staff, even if it means he might travel fifty miles for a non-existent job (pp. 148-154).

This "model" Farm Labor Office manager admitted, in effect, that the statistics used by the Farm Labor Office to bolster

its contentions that it serves farmworkers are misleading and phony, if not fraudulent. For example, the manager admitted that in the typical month of September, 1969, his seasonal Healdsburg - Sonoma County Farm Labor Office listed 1,073 farmworker referrals, but produced the grand total of four "regular placements of farm workers." (pp. 236-237)

Most illustrative, the manager admitted that despite his 1969 statistics showing 30,000 office contacts, and 695 personal field visits to growers, he had developed only nine jobs in 1969 that were not otherwise available (Dep., Ex 2-13)

A Possible Solution: A Farm Worker Bill of Rights

The cost to the nation of operating the Farm Labor Services in violation of federal regulations cannot be measured solely by the $21,000,000 in misused and misdirected taxpayer funds. In California alone, for the year 1968, the Farm Labor Offices cost the farm workers $62,800,000 in lost wages due to their encouragement of growers paying the lowest wages rather than the federally-required "highest prevailing wage."

On February 20, 1970, thirty farm workers met with Secretary of Labor Shultz in San Francisco, asked him to obey his own rules and regulations, and presented to him a Farm Worker Bill of Rights that could help end the unseemly government sponsorship and support of "Grapes of Wrath and Harvest of Shame " conditions. These rights were based on the present federal regulations (This ten-point Bill of Rights is attached as Exhibit 3.)

I hope that when a farmworker is next invited by this Committee it will be to thank the Secretary of Labor for obeying his own rules and regulations and for instituting this Bill of Rights, rights promised by the Wagner-Peyser Act and guaranteed by specific regulations enunciated as long as thirty-seven years ago by another Secretary of Labor.

Thank you.

"I don' know. Mus' be. Ain't no crop right here now. Grapes to pick later, an' cotton to pick later. We're a-movin' on, soon's I get these here valves groun'. Me an' my wife an' my kids. We heard they was work up north. We're shovin' north, up aroun' Salinas."

Tom saw Uncle John and Pa and the preacher hoisting the tarpaulin on the tent poles and Ma on her knees inside, brushing off the mattresses on the ground. A circle of quiet children stood to watch the new family get settled, quiet children with bare feet and dirty faces. Tom said, "Back home some fellas come through with han'bills—orange ones. Says they need lots a people out here to work the crops."

The young man laughed. "They say they's three hunderd thousan' us folks here, an' I bet ever' dam' fam'ly seen them han'bills."

"Yeah, but if they don' need folks, what'd they go to the trouble puttin' them things out for?"

"Use your head, why don'cha?"

"Yeah, but I wanta know."

"Look," the young man said. "S'pose you got a job a work, an' there's jus' one fella wants the job. You got to pay 'im what he asts. But s'pose they's a hunderd men." He put down his tool. His eyes hardened and his voice sharpened. "S'pose they's a hunderd men wants that job. S'pose them men got kids, an' them kids is hungry. S'pose a lousy dime'll buy a box a mush for them kids. S'pose a nickel'll buy at leas' somepin for them kids. An' you got a hunderd men. Jus' offer 'em a nickel—why, they'll kill each other fightin' for that nickel. Know what they was payin', las' job I had? Fifteen cents an hour. Ten hours for a dollar an' a half, an' ya can't stay on the place. Got to burn gasoline gettin' there." He was panting with anger, and his eyes blazed with hate. "That's why them han'bills was out. You can print a hell of a lot of han'bills with what ya save payin' fifteen cents an hour for fiel' work."

Tom said, "That's stinkin'."

The young man laughed harshly. "You stay out here a little while, an' if you smell any roses, you come let me smell, too."

EXHIBIT 2

[DECLARACION DE DERECHOS DE CAMPESINOS]

FARM WORKER BILL OF RIGHTS

The famous labor law, the Wagner-Peyser Act of 1933, created 100% federally-funded Farm Labor Offices throughout the nation in order to help farm workers get the best jobs available. (The State of California, through the Department of Human Resources Development, operates forty-two Farm Labor Offices at a cost to the federal government of over three million dollars a year.) The Farm Labor Offices no longer help the farm worker. They only help the grower, especially the grower who offers bad wages and illegal working conditions. Thus, the Farm Labor Offices constitute a federal subsidy to growers who do the least to protect the health and economic well-being of their workers.

WHEREFORE, The Farm Workers of California, in order to protect their health and well-being and that of their children, hereby respectfully demand that the U.S. Labor Department either close all California Farm Labor Offices or compel the Farm Labor Offices to operate in accordance with the Wagner-Peyser Act by adopting the following Ten Point FARM WORKER BILL OF RIGHTS:

1. Appoint a committee of six to oversee the California Farm Labor Offices -- the six to consist of two farm workers, two growers, one church leader, and an Assistant Secretary of Labor;

2. Require growers using the Farm Labor Office to submit a full and complete list of all dangerous pesticides which are being used so that if a worker is injured he will be able to receive immediate and effective medical assistance. [At present 150 of every 1,000 farm workers are injured by pesticides.]

3. Require all growers to guarantee that they will pay the prevailing wage, rather than the lowest wage in the area. [This would boost California farm worker wages by over fifty million dollars a year.]

4. Require growers to guarantee, before requesting workers that they will provide at least twenty hours of work a week whenever a worker must travel thirty or more miles to and from work.

5. Require growers to submit a statement in writing that they will obey state health and safety laws by providing toilets and drinking water, especially for women and children.

6. Refuse to send workers to growers who knowingly hire wetbacks and other illegal foreign workers who depress American workers' wages and working conditions. [Wetbacks in California alone earned 131 million dollars last year.]

7. Compel each Farm Labor Office to hire at least one Spanish-speaking person per office. [Virtually no employees speak Spanish despite 70% of the farm workers speaking only Spanish.]

8. Compel Farm Labor Offices to employ farm workers as well as growers. [At most offices only growers and their families are employed.]

9. Prohibit the Farm Labor Office from sending a surplus of workers to a job.

10. Require the Farm Labor Office to allow workers to see the entire list of farm jobs available so that they can choose the best one. [At present workers are sent to the growers that offer the lowest wages and the worst working conditions since these growers have the most difficulty recruiting workers.]

36-513 O - 71 - pt. 7B -- 6

EXHIBIT 3

GREEN GIANT COMPANY
LE SUEUR, MINNESOTA 56058
STATEMENT OF HOURS EARNINGS AND DEDUCTIONS

EMPLOYEE NO.	EMPLOYEE NAME		SOCIAL SECURITY NO.	PERIOD ENDED	CAL. WK.
030 32137	C [redacted]	8	355 56 5966	09/20/69	38

REGULAR EARNINGS				MISCELLANEOUS EARNINGS				GROSS PAY
WEEK 1	WEEK 2	O.T. WEEK 1	O.T. WEEK 2	CODE	AMOUNT	CODE	AMOUNT	
79.66	67.66	2.68	.21					150.19

DEDUCTIONS					TOTAL DEDUCTIONS	NET PAY
FED. WH.	F.I.C.A.	STATE TAX	LOC. TAX	OTHER *		
1.12	7.21			109.80	118.13	32.05

HOURS BY DAY							
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	
10.25	10.00	10.50 4.25	10.50 5	5.00 8.75	10.25 7.75	12.00	WEEK 1 ~50 WEEK 2 ~50

TOT. HRS. WK. 1	TOT. HRS. WK. 2	BACK TIME HR.	GRAND TOT. HR.			O.T. HRS. WK. 1	O.T. HRS. WK. 2
48.25	41.00		89.25			3.25	.25

* OTHER DEDUCTIONS

CODE	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE	AMOUNT
20	45.00	12	40.00	17	21.00	60	3.00				

SEE REVERSE SIDE FOR EXPLANATION OF CODES

250 FARM WORKERS SUE TO COMPEL FAIR EMPLOYMENT PLAN OR TO CLOSE CALIFORNIA FARM LABOR OFFICE

Today, March 5, 1970, 250 California farm workers from 10 counties, armed with 39 affidavits from farm workers throughout California, brought suit in Federal District Court at San Francisco against Secretary of Labor George Shultz and the California Farm Labor Office.

The suit, a class action brought on behalf of California's 260,000 farm workers, seeks to either close all 42 federally-funded California Farm Labor Offices or compel them to operate under a Fair Employment Plan by July 1, 1970. (See Exhibit B of complaint for Plan). The Plan requires joint farm worker-grower control. It prohibits the referring of workers to growers who refuse to provide toilets and drinking water, the highest prevailing wages, and a guarantee of 40 hours work.

The suit charges that the Farm Labor Office is "grower-controlled, grower-dominated, grower-staffed, anti-farm worker and knowingly refers workers to growers who refuse to obey State laws"(see Exhibit A, affidavit of former Farm Labor Office employee).

Plaintiffs allege that the Farm Labor Office's refusal to obey their own rules and regulations has cost California farm workers $62,800,000 a year in lost wages and"California taxpayers $25,000,000 in unnecessary welfare costs" (paragraph 10).

Plaintiffs contend that farm worker wages and working conditions are depressed by the existence of the Farm Labor Office since it subsidizes growers who violate minimum health and wage laws. Further, plaintiffs, contend that the Farm Labor Office uses phony, inflated employment statistics to bolster its inaccurate claim of helping farm workers. For example, its statistics show it producing 10 times as many farm jobs in 1968 as 1966, despite farm labor employment decreasing by 25% during this period. (Paragraph 11).

California Rural Legal Assistance attorneys term the proposed Fair Employment Plan America's first FARM WORKER BILL OF RIGHTS since it guarantees to farm workers the basic rights presently available to most industrial workers, including the right to a decent job at a fair wage.

GLICK, GNAIZDA, REYNOSO,
YEGHIAYAN, ABASCAL, ALTSHULER,
BRENNAN, DELEVETT, FRETZ,
LIVINGSTON, MC CABE, POWELL,
WILSON, and YNOSTROZA,
California Rural Legal Assistance
1212 Market Street
San Francisco, California
Telephone: (415) 863-4911

LOUIS GARCIA, ALFONSO GONZALES,
ROBERT E. GONZALES
Mexican-American Political Association
Mexican-American Legal Defense &
Educational Fund, Inc.
1231 Market Street
San Francisco, California
Telephone: (415) 626-8100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

250 SANTA CLARA, SONOMA, STANISLAUS, IMPERIAL, SANTA BARBARA, SAN LUIS OBISPO, MADERA, YUBA, SUTTER and BUTTE COUNTY FARM WORKERS; SAN BENITO COUNTY CONSUMERS COOP., INC.; and the MEXICAN-AMERICAN POLITICAL ASSOCIATION, individually and on behalf of a class of similarly situated persons, Plaintiffs, vs. GEORGE SHULTZ, U.S. SECRETARY OF LABOR; AL NORTON, Regional Director, Farm Labor & Rural Manpower Service; LUCIAN B. VANDERGRIFT, Secretary, State Human Relations Agency; WILLIAM TOLBERT, Director, California Farm Labor Service Division; LOUIS BRAUN, MILTON EISLEY, HARRY FREDERICK, JOSEPH MIGUEL, RON RODRIQUES, OCTAVIO ARMENTA WILBUR CHUBBUCK, H. PAT CROW, RICHARD LEMMON, local California Farm Labor Office Managers, Defendants.	CIVIL ACTION NO._____ INDIVIDUAL AND CLASS ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF (REVIEW OF ADMINISTRATIVE ACTION OR LABOR RELATIONS)

JURISDICTION

1. This civil class action for injunctive and declaratory relief arises under 29 U.S.C. § 49, et seq. (Wagner-Peyser Act

of 1933) and the regulations of the Secretary of Labor promulgated pursuant to the Act. Jurisdiction of this court is invoked under 28 U.S.C. § 1331 (Federal Question), § 1337 (Commerce), § 1343 (Civil Rights), § 1346 (United States Defendant), § 1361 (Mandamus), and 42 U.S.C. § 1983 (Denial of Constitutional Right Under Color of Law). The amount in controversy exceeds the sum of $10,000, exclusive of interest and costs. A declaration of rights is sought under the Declaratory Judgment Act 28 U.S.C. §§ 2201 - 2202.

CAUSE OF ACTION

2. This class action, pursuant to the Wagner-Peyser Act of 1933 (the first major employee bill of rights enacted in the United States) is brought by over 250 California farm workers from ten agricultural counties, the Statewide Mexican-American Political Association and the San Benito Consumers' Coop. on behalf of California's 260,000 farm workers. It seeks to compel the defendants (the United States Labor Department and the California Farm Labor Services Division) to either enforce and obey their specific statutory mandate and duty to actively assist and protect farm workers by instituting a Fair Employment Plan or to terminate the operation of California's 100% federally-funded Farm Labor Office as of July 1, 1970, as provided by federal law. (20 C.F.R. § 602.20-22)

3. Thirty-seven years ago, Congress enacted the Wagner-Peyser Act in order to provide, inter alia, full and complete protection to all workers including farm workers. As part of this worker Bill of Rights, Congress created, 29 U.S.C. § 49, et seq., 100% federally-funded, federally-regulated, state-administered, Farm Labor Offices:

> "To ensure insofar as practicable that workers are placed on jobs which utilize their highest skills." (20 C.F.R. 604.1(f));

"Whenever possible place workers on jobs which use their highest skills or provide the highest earning potential." (California Farm Labor Management Manual § 2106(5), pursuant to 20 C.F.R. 604.1(k));

"A domestic unemployed [farm worker] is entitled to the best job we have to offer .... The best job is that job which would provide ... an opportunity to utilize his highest skill ... Has the highest earning potential or longest job duration ... The most desirable working conditions ..." (Id, Section 2159(3), emphasis added); and

"To make no referral to a position where the services to be performed or the terms or conditions of employment are contrary to Federal, State, or local law." (20 C.F.R. 604.1(j))

4. No federal funds of any kind shall be provided to any State Farm Labor office that fails to "adhere to the basic standards set forth as United States Employment Service policies" [or fails to] "maintain an organization and procedures necessary to carry out effectively such policies." (20 C.F.R. § 603.4, emphasis added)

5. In summary, plaintiffs contend that the California Farm Labor Office, in violation of its legally-imposed duty, knowingly refers farm workers to employers who:

a. pay substandard wages substantially below prevailing wages;

b. request twice as many workers as are required in order to further reduce wages;

c. offer only an hour's wages a day;

d. unlawfully employ illegal aliens (Wetbacks) to compete with local workers;

e. refuse to comply with State laws requiring toilets and drinking water; and

f. endanger the health of workers by unlawfully using massive doses of toxic pesticides.

6. Furthermore, the Farm Labor Office has refused and continues to refuse to provide to workers information as to: a) jobs and the wages available; and b) pesticides used by the

particular employer. This refusal to provide basic employment information is compounded by the lack of an adequate number of Spanish-speaking employees despite 70-80% of the working force speaking Spanish.

7. California's federally-funded, three million dollar a year, forty-two office Farm Labor Division has repudiated its specific federal obligations and its own rules and regulations, supra. It is today (in the words of a former Farm Labor Office employee and ex-mayor of an agricultural community):

> "grower-oriented, grower-dominated, and grower-staffed.
>
> "The farm worker would not suffer at all if all the labor offices in California were terminated. In fact, conditions for the farm worker would improve if the farm labor offices were eliminated. The farm labor offices, for example, knowingly refer workers to growers offering unsafe, unsanitary working conditions and allow unsafe housing to be considered a part of the pay of the farm worker.
>
> "In fact, the farm labor offices do not even serve the best interests of many growers. Growers that provide prevailing wages and good working conditions do not need the services of the farm labor office and seldom call upon the farm labor offices.
>
> "The growers that are most dependent upon the farm labor offices are those growers who offer poor working conditions and poor wages.
>
> "In effect, the farm labor offices act as a form of subsidy to those growers who refuse to compete in the open market place." (Attached hereto, marked Exhibit A and incorporated by reference herein is the Affidavit of said former Farm Labor Office employee, ex-mayor of Hollister, and former farm labor contractor.)

8. Plaintiffs have specifically set forth, paragraphs 19 to 35 , infra, the defendants' violations of their own rules and regulations. The operation of the Santa Rosa Farm Labor Office is typical. It is staffed exclusively by growers and their relatives. Despite 70% of the farm workers speaking Spanish, none of the employees speak any Spanish. It refuses to provide workers with a guarantee of even an hour's work. It specifically refuses to provide workers with the names of toxic pesticides

used by growers in order that the one in every six workers injured each year can receive adequate and effective medical assistance. It knowingly refers workers to growers who refuse to provide toilets or drinking water and who unlawfully employ illegal aliens (Wetbacks).

9. The effect of these "anti-farm worker" unlawful Farm Labor Office practices is to "depress the wages and working conditions" of local workers and to, in effect, "subsidize" and encourage growers who violate the law. (Affidavit of former employee, Exhibit A, supra)

10. The aggregate cost to California's taxpayers and farm workers of the Farm Labor Office's unlawful practices exceeds one hundred and twenty million dollars a year: Farm workers annually lose $62,800,000 as a result of the Farm Labor Office referring them to growers who pay the lowest wages rather than the "highest prevailing wage"; California welfare costs for Farm Labor Office-created underemployed and underpaid farm workers exceeds $25,000,000 per annum; and medical costs and lost wages for the 37,500 California farm workers injured by pesticides each year, upon information and belief, is in excess of $37,000,000 per annum.

11. The damage caused to farm workers and the extent of Farm Labor Office responsibility is obscured by fraudulent California Farm Labor Office statistics that show it producing and referring five times as many farm jobs as there are farm workers (1,393,810 alleged placements in 1968 despite the existence of only 260,000 farm workers). The 1968 1,393,810 figure is more than ten times the number of placements that occurred during the year 1966 when the program was administered by different directors (134,975 placements in 1966). This alleged ten-fold increase in so-called farm worker "placements" occurred despite an approximate 25% decline in the total number of farm

worker days employed during 1968; further, this alleged ten-fold agricultural increase occurred while nonagricultural placements decreased by 20% from 1966 to 1968. (California Statistical Abstract, 1969, at 46)

12. On October 22, 1968, July 9, 1969, December 19, 1969, and February 19 and 20, 1970, the plaintiffs formally requested the termination of California Farm Labor Offices and formally submitted to the named defendants specific information setting forth the California Farm Labor Office's fraudulent misuse of farm worker directed funds for the exclusive benefit of growers who pay the lowest wages while refusing to provide health, safety and sanitation conditions in accordance with applicable State and federal regulations. (Specifically,for example, California Farm Labor Offices sending workers to employers: a) who provide no toilets or drinking water, b) spray their fields with toxic pesticides that the California Department of Public Health contends is responsible for at least 37,500 California farm worker injuries each year, and c) refuse to guarantee one hour's work even where a worker travels 100 miles to the job.

13. On each and every occasion, including a personal farm worker San Francisco meeting with Secretary of Labor George Shultz on February 20, 1970, the defendants specifically refused to investigate these charges or compel adherence to their own rules and regulations and statutory mandate requiring that farm workers be provided with jobs that "utilize their highest skills or provide the highest earning potential" and that no worker be referred "to a position where the ... conditions of employment are contrary to Federal, State, or local law" or fails to provide "the most desirable working conditions."

14. As a result of the defendants' specific refusal to comply with their statutory obligations and resultant danger to farm worker safety, health and economic well-being, the

plaintiffs seek the termination of federal funding for California's Farm Labor Office, or that a Fair Employment Plan be created to oversee said Office, under the joint, cooperative control of growers, farm workers and Labor Department representatives, in order to ensure that applicable rules and regulations are effectively enforced. The Fair Employment Plan is attached hereto, incorporated by reference herein, and marked Exhibit B. The Plan sets forth three main provisions, all in accordance with present federal and state regulations. It seeks to ensure that farm workers secure the "best jobs" that "utilize their highest skills or provide the highest earning potential" are not in violation of any "Federal, State or local law",and provide "the most desirable working conditions." (20 C.F.R. 604.1)

DEFENDANTS

15. Defendant George Shultz is Secretary of the United States Department of Labor and in said capacity he is responsible for the funding and administration of the California Farm Labor Offices. Defendant Al Norton is Regional Director of the U.S. Farm Labor and Rural Manpower Service. Defendant Lucian B. Vandergrift is the Secretary of the State Human Relations Agency, and in said capacity has administrative control over California Farm Labor Offices. Defendant William Tolbert is the Director of the Farm Labor Service Division. Defendants Louis Braun, Milton Eisley, Harry Frederick, Joseph Miguel, Ron Rodriques, Octavio Armenta Wilbur Chubbuck, H. Pat Crow, Richard Lemmon are local Farm Labor Office managers.

PLAINTIFFS

16. Plaintiff San Benito County Consumers' Cooperative, Inc., is a non-profit corporation of approximately 100 low-income farm workers from San Benito County many of whom use or have used local farm labor offices. (Attached hereto, marked Exhibit C, incorporated by reference herein, is an affidavit from the

President of said corporation setting forth the unanimous vote of the membership on February 9, 1970, to close the Farm Labor Offices.)

17. Plaintiff 250 California farm workers are farm workers from ten California counties (Santa Clara, Sonoma, Stanislaus, Imperial, Santa Barbara, San Luis Obispo, Madera, Yuba, Sutter, and Butte Counties) requesting the termination of Farm Labor Offices due to their depressing wages and working conditions. (Attached hereto, incorporated by reference herein, marked Exhibit D, in a sealed envelope for the court only, are the originals of petitions signed by said workers, most of whom fear for the loss of their jobs should their names be disclosed. (In order to protect their identity they are referred to as "250 California Farm Workers.")

18. Plaintiff Mexican-American Political Association is California's largest Mexican-American organization and represents the interests of farm workers in general, 75 to 85% of whom are Mexican-Americans.

STATEMENT OF FACTS

19. California's 42 Farm Labor Offices are fully-funded by the U.S. Labor Department. Affidavits have been secured from some fifteen counties setting out the unlawful practices of the Farm Labor Offices. The affidavits (Exhibits E-AM) attached to the Order to Show Cause, are hereby fully incorporated by reference herein. Their substance is specifically set out in the following paragraphs.

20. SANTA CLARA, SAN BENITO, SANTA CRUZ: The Farm Labor Offices in these counties, as in most of California, "virtually ignore the interests of the farm worker, and, on any occasion where the two interests must be balanced, will balance the interests in favor of the grower." (Affidavit of Frank Valenzuela, Exhibit A) The affidavit of Robert Guerrero, marked Exhibit E,

is typical of the results of this unfair balance. After one job he was referred to in Hollister he complained to the Farm Labor Office about the grower. The clerk replied that they "had lots of trouble with that particular [employer] and that they had to refer many people to him because so many quit or were fired. The clerk said nothing about discontinuing service to the grower. I think that this is because the Farm Labor Office does not care what the grower is like. They send farm workers no matter what."

21. MONTEREY COUNTY (SALINAS VALLEY): The Salinas Farm Labor Office Day Haul center is infamous among farm workers. It is, according to so-called Farm Labor Office statistics for 1968, responsible for over 100,000 farm worker placements each year, or a sum almost equal to the total number of California farm worker placements in 1966. On a typical day, 1,000 workers gather at this fenced-in Farm Labor Office-operated area, known as "El Corral" [Bull-pen] by the workers.

22. The very facilities operated by the Salinas Farm Labor Offices refute and belie its own rules to provide "The most desirable working conditions." Despite complaints from farm workers since 1967, and a lawsuit, it still refuses to provide drinking water or benches or heat to the more than 1,000 male and female farm workers who gather at 3 a.m. and often wait three hours to secure a half-day's employment. Only Farm Labor Office personnel stationed on the premises, in an area marked "Employees Only," have access to such amenities. (Attached to the Order to Show Cause is a Declaration admitted in a lawsuit Munoz v. State Department of Employment, decision for the farm worker, July, 1969, marked Exhibit H)

23. The extent of the Salinas Farm Labor Office's role in depressing working conditions is illustrated by the 1968 survey of 107 farm workers admitted into evidence in Munoz, supra. It showed that every Farm Labor Office referral was to a grower

who violated State law by refusing to provide toilets or drinking water (1,869 violations in one-year period from 107 workers). (Attached to the Order to Show Cause is a Declaration admitted into evidence in Munoz, supra, marked Exhibit I)

24. IMPERIAL COUNTY: The Calexico Farm Labor Office facilities are reputed to be the most impressive in the Nation, offering both toilets and drinking water to its workers. On a typical 3 a.m., three thousand men gather for two thousand jobs. Most --·75% according to January, 1970, Calexico survey by Roy Armenta--are not even American residents. According to this January 1970 survey of 125 farm workers:

A. 85% have been referred by the Farm Labor Office to growers who provide less than a day's work;

B. 95% were sent to employers who unlawfully refused to provide toilets or drinking water;

C. 71% were sent to employers who treated them unfairly or discourteously;

D. None of the 125 workers ever received any job assistance or counseling from the Farm Labor Office or observed any Farm Labor Office employee ever investigate wage or working conditions;

E. Only 3% of the workers felt that the Farm Labor Office was trying to assist them. (Affidavit of Roy Armenta, with survey, attached to Order to Show Cause and marked Exhibit J)

25. The Farm Labor Office's indifference to the exploitation of the farm worker is evidenced by its referral of Carmen Padilla Olguin to "Green Giant" Company in Illinois on September 2, 1969. As an inducement to travel 2,000 miles, Olguin, and forty other Calexico workers were promised by the Farm Labor Office $16.50 minimum per day. During the first full two weeks of work, working 89 hours, he received, after deductions, $32.05 or thirty-six cents an hour. As a result he became a virtual prisoner in Illinois unable to afford transportation home. When the forty

workers finally returned to Calexico six weeks later and formally complained to the Farm Labor Office, "They just laughed at us." Affidavits of Gilberto Valenzuela and Manuel Ramos confirm and allege similar exploitation by the Farm Labor Office and "Green Giant"Company in Washington State and Minnesota. (Affidavits, including"Green Giant"wage statement, attached to Order to Show Cause, and marked Exhibits K, L, and M)

26. SONOMA AND NAPA COUNTIES: On February 11, 1970, a delegation of farm workers met with the office managers and area supervisor of the Farm Labor Offices in Santa Rosa, California, to request compliance with field and sanitation laws. The Farm Labor officials admitted that they do not ask employers about working conditions prior to making referrals nor do they check the field conditions for compliance with the law. When asked by farm workers as to what the officials thought was the function of the Farm Labor Office they replied: "...our main objective is to facilitate the harvesting of the crops." (Affidavit of Emilia Telles - Exhibit N)

The inefficient operation of the Farm Labor Offices is best exemplified by the affidavit of Vartkes Yeghiayan; this affidavit contains the following statement made by Mr. Donald Mills, Manager for the Sonoma County Farm Labor Association (a private, grower-owned association):

> "If the Sonoma County Farm Labor Offices were doing their job properly, there would be no need for the Association to exist. Why would growers form their own association and tax themselves but for the fact that the Farm Labor Office was being run very inefficiently... If I were given this money [$200,000 to run the Sonoma County Farm Labor Office] I would serve the farm workers on a silver platter and every farm worker in Sonoma County would have a job and I would send them to work in a limousine."

27. MADERA COUNTY: Three affidavits, Exhibits U, V, and W, are typical of the complaints received about the operation of the Madera Farm Labor Office. Workers are referred to farms

which provide no toilets, handwashing facilities or drinking water. Workers are referred to non-existent jobs or are referred to growers who did not ask for the services of the Farm Labor Office. Domingo Valdez, for example, in his affidavit, marked U, stated that he was referred to a grower who told him that the work was finished and that he had not asked the Farm Labor Office for any help.

28. KINGS COUNTY: Affidavits from Kings County, marked Exhibits X and Y, demonstrate the indifference to farm workers displayed by the Farm Labor Office. Farm workers there were sent on a round trip 125 miles to an alleged job only to find that there was no work available. On the next day the Farm Labor Office insisted that they return to the same job. The second day the workers received only a half-day of work and then were paid only 20 cents a bucket instead of the 25 cents promised. The Farm Labor Office took no action to secure any money for the first day or the difference in the promised wage on the second day. A check back five days later showed that the Farm Labor Office was continuing to refer workers to this employer and still promising that 25 cents a bucket would be paid.

29. The Farm Labor Office serving the largest poverty county in the United States sent 36 workers on a bus for five hours to a job. They were in fact not taken to any employer at all, but to a contractor of farm labor services. The place they were taken to already had workers there who had had no work for several days. In spite of promises that they would be paid $1.65 an hour and be given 6 days of work a week, only three hours of work was provided (in a different crop than that advertised). The workers were then told there "may be work tomorrow or maybe in a few days." The workers did not earn enough to pay bus fare home. (Declaration of Michael Onofrey, Exhibit Z, Los Angeles County)

30. STANISLAUS COUNTY: Five affidavits, marked Exhibits AA-AE, are typical of complaints received about the operation of the Stanislaus Farm Labor Service. The workers were all referred to extremely low paying jobs, far below minimum wage, and were referred to farms which provided no toilets, handwashing facilities, or drinking water. Don Alafa, for example, in his affidavit, stated that he was sent to an apricot field where the piece rate wage was only the equivalent of 35 cents an hour.

31. BUTTE, YUBA & SUTTER COUNTIES: The operation of the Farm Labor Offices in Butte, Yuba and Sutter have been the subject of substantial farm worker litigation (In re Botelho, incorporated as exhibit in Munoz v. State Department of Employment) and complaints. Over 99% of the agricultural employers, according to a 1968 survey of 150 employers and 100 workers incorporated in Munoz, supra, committed over 1,200 health, sanitation and minimum wage violations. Despite said widespread violations, the Farm Labor Office as of mid-February, 1970, still refused to terminate referrals to said growers and continued to compel workers to travel as much as one hundred miles to one grower even though neither wages nor working conditions were guaranteed. (Attached to the Order to Show Cause, and marked Exhibit AF, is an affidavit by Edgar Diaz.)

32. SANTA BARBARA COUNTY: On Thursday, February 19, 1970, a delegation of farm workers met with Office Manager and Area Supervisor of the Farm Labor Office in Santa Maria, California, to request compliance with federal and state law. The Farm Labor Office officials "admitted that they do not ask employers about working conditions when employers call in with job openings, and the Farm Labor Service does not make field checks for compliance with the law. We asked why the Farm Labor Service does not check for compliance, and Mr. Spencer said, 'If we did this they'd chop our heads off.' We asked who would and he said, 'The

growers and the powers above us.'" (Affidavit of Israel Torres, makred Exhibit AG)

33. PESTICIDES: On December 10, 1969, the defendant Human Relations Agency, Department of Public Health, issued a comprehensive, legislatively-ordered report on pesticide danger to farm workers. It reported that at least 150 of every 1,000 farm workers, or 37,500 Statewide, are adversely affected, including death, hospitalization and loss of work, by excessive, uncontrolled use of pesticides of unknown toxicity. The report stated:

> "First, a large percentage of pesticide-related injuries involve serious, disabling illness; secondly, like other kinds of work-related illnesses, pesticide poisoning is largely preventable and; thirdly, we have reason to believe that the reports of illness which we receive do not accurately reflect the true magnitude of the problem..." (at p. 4)
>
> "During this same period, the accidental deaths of 32 other adults [plus 34 previously mentioned as resulting from occupational fatalities due to agricultural chemicals] and 85 children were attributed to pesticides and other agricultural chemicals, making a total of 151 accidental deaths." (at p.2)

34. In order to protect the health and safety of California farm workers, plaintiffs, in accordance with applicable State and federal regulations (20 C.F.R. § 604.1 and § 604.5), formally requested of Farm Labor Offices from Imperial, Santa Clara and Sonoma, protection from uncontrolled and unknown use of dangerous pesticides. Each office, in accordance with federal regulations, was requested to condition job referrals upon employers providing lists of pesticides used. The purpose was to expedite medical treatment for injured workers (one of every six injured each year according to defendants' study of December 10, 1969). Defendants have refused to do so or to make any effort of any kind to facilitate medical assistance to injured farm workers. (Attached to the Order to Show Cause,

36-513 O - 71 - pt. 7B -- 7

incorporated by reference herein, and marked Exhibits AK, AL, and AM, are copies of unanswered letters written to said Farm Labor Offices.)

35. UNEQUAL TREATMENT: On information and belief, although California Farm Labor Offices refuse to bar growers from using their services, no matter how flagrant or frequent are the unlawful violations of regulations by such growers, the Farm Labor Offices move quickly to refuse to refer, i.e., blacklist, any farm worker who has violated any regulation. For example, workers who fail to appear for jobs are often refused additional referrals; growers, on the other hand, who request three times as many workers as they need, or provide only an hour's work for workers traveling 100 miles, are encouraged to continue to use the Farm Labor Office referral facilities despite their unlawful activities.

VIOLATION OF LEGAL DUTY

36. Defendants have willfully, arbitrarily and capriciously failed in their clear duty to comply with the Congressional mandate to protect the health and economic well-being of the farm worker. Further, defendants have wilfully, arbitrarily and capriciously violated their binding and unequivocal rules to provide: a) "The most desirable working conditions," b) "To ensure insofar as practicable that workers are placed on jobs which utilize their highest skills," c) "To make no referral to a position where the ... conditions of employment are contrary to Federal, State, or local law;" and d) "Whenever possible place workers on jobs which ... provide the highest earning potential."

37. Said arbitrary and unlawful actions of the defendants have resulted in discrimination against the poor, particularly minority groups who constitute 85% of the farm workers referred by the State Farm Labor Office. Said discrimination constitutes a denial of due process and equal protection in violation of the

Fifth and Fourteenth Amendments to the Constitution of the United States.

CLASS ACTION

38. This is a proper class action within Rule 23 of the Federal Rules of Civil Procedure. The named plaintiffs represent the class of farm workers in California who are denied the benefits of the Wagner-Peyser Act due to the defendants' refusal to comply with said Act and the regulations promulgated thereunder. The members of the aforementioned classes are so numerous that their joinder is impracticable. Nonetheless, members of the class have common interests in the questions of law and fact to be litigated herein. The claims of the plaintiffs are typical of the class, and litigation by them will fairly and adequately protect the interest of the class. The legislation of which plaintiffs complain is generally and equally applicable and applied to every member of the class, making relief as to all appropriate.

CONTROVERSY

39. There is an actual controversy now existing between parties to this action as to which plaintiffs seek the judgment of this court. Plaintiffs seek a declaration of the legal rights and relationships involved in the subject and controversy.

40. Plaintiffs, and the class they represent, have incomes substantially below the minimum needed for even a subsistence level of existence. They will suffer irreparable injury and severe economic deprivation by reason of the continued unlawful conduct of the defendants.

41. Plaintiffs, and the class they represent, have no plain, adequate or speedy remedy at law to redress such injury and deprivation and therefore bring this suit for declaratory and injunctive relief as their only means of securing such relief.

WHEREFORE, PLAINTIFFS, on behalf of themselves and all others similarly situated, pray that this court:

A. Temporarily, preliminarily, and permanently enjoin defendants from refusing to require that employers using the Farm Labor Office services provide a description of use of pesticides in fields to which workers are to be sent;

B. Preliminarily enjoin defendants from refusing to implement the Fair Employment Plan For Operation of California Farm Labor Offices set out in Exhibit B, attached to this complaint, and hereby incorporated by reference herein;

C. Permanently enjoin defendants from refusing to either continue the Fair Employment Plan set out in Exhibit B beyond two years, implement some other similar plan to affirmatively guarantee that farm workers will be referred to the best jobs available at the highest wages and best lawful working conditions for a fixed minimum number of days of work, or, in the alternative terminate all federal funding to the California Farm Labor Offices

D. Permanently enjoin the defendants from treating as a job placement any referral which results in a job of less than one week's duration at the highest prevailing wage;

E. Declare that the plaintiffs and others similarly situated are by virtue of the applicable statutes and regulations entitled to be referred only:

1) to jobs that meet applicable health, sanitation, and safety standards as determined by Farm Labor Office procedures and spot checks,

2) to jobs providing a fair minimum of guaranteed hours of work at the highest prevailing wage,

3) to jobs chosen by the farm worker from lists of all available jobs.

F. Maintain jurisdiction of this matter;

G. Allow plaintiffs their costs and grant them and others similarly situated such relief as the court may deem just and appropriate.

Dated: March 5, 1970.

GARCIA, A. GONZALES, R. GONZALES, GLICK, GNAIZDA, REYNOSO, YEGHIAYAN, ABASCAL, ALTSHULER, BRENNAN, DELEVETT, FRETZ, LIVINGSTON, MC CABE, POWELL, WILSON and YNOSTROZA

By _____
ROBERT L. GNAIZDA

_____
MARTIN R. GLICK

_____
VARTKES YEGHIAYAN

VERIFICATION

I, the undersigned, am one of the attorneys for the plaintiffs in the above-entitled action. I have read the foregoing Individual and Class Action for Declaratory and Injunctive Relief and know the content thereof; and that the same is true of my own knowledge except as to the matters which are therein stated upon information and belief, and as to those matters I believe it to be true.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 1970, at San Francisco, California.

ROBERT L. GNAIZDA
Attorney for Plaintiffs

EXHIBIT A

AFFIDAVIT

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, FRANK VALENZUELA, being first duly sworn, depose and say:

I, Frank Valenzuela, am presently Acting Director of the Community Organization Department of the Economic Opportunity Commission of Santa Clara County and reside in Santa Clara County and have continuous official contact with the California Farm Labor Offices.

I am the former Mayor of Hollister, San Benito County and a former farm labor contractor.

During the years 1966 - 1967 I was employed by the federally-funded California Farm Labor Office. I worked in the Santa Clara, Imperial, and Santa Cruz County Offices and also have familiarity with the offices in Monterey and San Benito Counties.

In my opinion, based upon my experiences with the Farm Labor Office, it is a grower-oriented, grower-dominated and grower-staffed operation. It virtually ignores the interests of the farm worker; and on any occasion where the two interests must be balanced, it will balance the interests in the favor of the grower.

The farm worker would not suffer at all if all the farm labor offices in California were terminated. In fact, conditions for the farm worker would improve if the farm labor offices were eliminated. The farm labor offices, for example, knowingly refer workers to growers offering unsafe, unsanitary working conditions and allow unsafe housing to be considered a part of the pay of the farm worker.

In fact, the farm labor offices do not even serve the best interests of many growers. Growers that provide prevailing wages and good working conditions do not need the services of

the farm labor office and seldom call upon the farm labor offices.

The growers that are most dependent upon the farm labor offices are those growers who offer poor working conditions and poor wages.

In effect, the farm labor offices act as a form of subsidy to those growers who refuse to compete in the open market place.

An example of this occurred in the Gilroy Farm Labor Office. The appropriation for the farm labor office is in part dependent upon the number of so-called "hires" that an office secures over a period of a year. On one occasion, for example, an apricot grower offered piece rates that were so low that none of the workers referred could earn even the minimum wage. The grower informed the farm labor office on each day for approximately ten working days that he needed approximately ten workers. However, because of the extremely low wages, workers refused to work more than one day and therefore new ones were sent out each day. As a result, over a ten day working period the Gilroy Farm Labor Office recorded in excess of 100 "hires."

Thus, in a sense the farm labor office is best served, from its point of view, by assisting the worst growers since these growers will provide them with the best statistics based on the highest turnover of workers.

Farm labor offices have, at least over the last ten years, primarily assisted those growers who violate the law and offer the worst wages. For example, the Gilroy Farm Labor Office on one occasion received a job order from an employer to pay twenty cents a bucket for grapes. The grower, however, when the workers appeared, refused to pay twenty cents a bucket and offered only sixteen cents a bucket, a price below the prevailing wage in the area at the time. The Farm Labor

Office was informed about this and said that it was acceptable for the grower to do so since the grower offered the excuse that although he said he would pay twenty cents a bucket, it only pertained to one field and not to the other fields in which grapes were being picked.

The grower dominance of the farm labor offices is best expressed and illustrated by the staffing pattern at the farm labor offices. It hires primarily growers and attempts to screen out pro-labor persons and bilingual persons who might assist the Mexican-American farm worker. For example, despite the fact that I was a farm labor contractor, a former Mayor of Hollister, fully bilingual, had two years of college, had been a probation officer and law enforcement officer, my application for employment was refused based upon my reputation of being pro-farm worker. However, as soon as I filed a written complaint with then State Senator Farr, I was informed within twenty-four hours by Mr. Jack Rocca, a coastal area supervisor then and now, that a vacancy had just occurred and I therefore received the job.

Whenever vacancies occur in farm labor offices, local growers play a major role in determining who shall be selected. For this reason, the farm labor office is often referred to as just another arm of the Farm Bureau which works to the disadvantage of the farm worker.

I have set forth below a few of the examples showing the indifference of the farm labor office to the farm worker.

1. Watsonville Farm Labor Office: The Division of Industrial Welfare began to check the social security numbers of workers employed by growers since it was known that large numbers of growers were hiring entire families unlawfully on one social security card. The growers immediately complained to the local farm labor office which, without any authority,

demanded that the Division of Industrial Welfare "lay off" the growers since it would be putting an unfair burden on the growers to have to comply with the social security laws.

2. The farm Labor offices are aware that many growers in the Gilroy-Hollister-Santa Cruz area employ entire families on one card and yet it continues to refer workers to these growers.

3. The farm labor office has made it a policy over the years through radio, TV announcements, and various news releases to recruit hundreds of workers for a small number of jobs. In other words, the farm labor office engages in over advertising and produces results that compare to those in The Grapes of Wrath when thousands of workers drove hundreds of miles for a small number of jobs and were therefore forced to compete with each other thereby lowering wages for all.

4. The farm labor office frequently engages in intensive recruitment of families for jobs that only last one day and in which far more families apply than for which there are jobs.

5. The farm labor office knowingly refers workers to growers who fail to provide toilet facilities, drinking water, or other sanitary conditions required by state law.

6. On many occasions, I've seen farm workers come to the farm labor office and complain that the wages they were provided with by the grower were substantially lower than the job order the farm labor office accepted. On each occasion the farm labor office has summarily and perfunctorily informed the farm worker that he should leave the office and stop complaining since the farm labor office is not a law enforcement agency. The farm labor office personnel even refused to secure any information that might be of assistance to the farm worker in securing his wages through the labor commissioner.

7. Although many growers use extensive amounts of pesticides which on some occasions at least, are harmful to the farm workers, the farm labor office has never concerned itself in any fashion with the use of pesticides by growers.

8. At present, the Gilroy Office of the Farm Labor Office is engaging in an assistance program to growers in cooperation with the federal government that will adversely affect each and every local farm workers' job opportunities this coming year despite the fact that there is a present shortage of work for farm workers and most farm workers have suffered a reduction in both wages and hours worked over the last three years.

9. Since I left the farm labor office, I have had continuous contact with the local farm labor offices in Santa Clara County. There have been no substantial changes in the farm labor office that have benefited the farm worker. In fact, the situation for the farm worker has worsened since the farm labor office was recently given independence from the State Department of Employment.

10. In summary, the farm labor offices are presently operating in a fashion designed to depress wages and working conditions, and weaken the bargaining power of local farm workers. This anti-farm worker policy was first developed under the Bracero Program where the farm labor offices would encourage the importation of braceros, while local workers were going without jobs, in order to make certain that wages remained at an artificially low rate.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on Feb 11, 1970, at San Jose, California.

Frank Valenzuela
FRANK VALENZUELA

Subscribed and sworn to before me this 11th day of February, 1970.

Sarah A. Martinez
NOTARY PUBLIC

OFFICIAL SEAL
SARAH A. MARTINEZ
NOTARY PUBLIC-CALIFORNIA
SANTA CLARA COUNTY
My Commission Expires Feb. 13, 1972

690 Wainwright Dr., San Jose, Calif. 95128

EXHIBIT B

FAIR-EMPLOYMENT PLAN FOR OPERATION OF CALIFORNIA FARM LABOR OFFICES PURSUANT TO WAGNER-PEYSER ACT OF 1933 AND REGULATIONS RELATED THERETO

ORDER

Commencing July 1, 1970, no federal funds shall be appropriated by the federal defendants, pursuant to 29 U.S.C. §49, et seq., for the operation of California Farm Labor Offices until the defendants shall develop and institute a full and complete affimative action plan to protect the health, safety, and economic well-being of California farm workers in accordance with 29 U.S.C. §49, et seq., and regulations related thereto. Said affirmative action plan shall include no less than the following protections for farm workers:

1. A Committee of Five composed of two farm workers, two growers, and a U. S. Labor Department representative shall oversee and examine the operation of the California Farm Labor Office for a period of not less than two years and each local Farm Labor Office shall have at least 50% representation from the farm worker community on its advisory staff. (Pursuant to 20 C.F.R. §604.12 which guarantees representation to farm worker and other community organizations.)

2. No employer shall be permitted to use the services of the Farm Labor Office:

a. unless said person is in fact a direct employer of labor and no farm labor contractors or other private employment agencies that secure a fee either from the employee or employer shall be permitted to directly or indirectly use said farm labor office services (pursuant to 20 C.F.R. §604.1(f) and (k), which guarantees workers the best job available at the highest prevailing wage);

b. until said employer shall file with the Farm

Labor Office a certification under penalty of perjury that he is fully aware of applicable federal, State and local farm worker health, sanitation and safety laws and is in full and complete compliance with said laws; (pursuant to 20 C.F.R. §§604.1(j) and 604.5 protecting farm workers from violations of any federal, State or local laws);

c. unless said employer shall file a current certification under penalty of perjury (simultaneously with the filing of each job order) setting forth a full and complete description of all pesticides being used, the quantity per acre and a certification that local health officials consider his fields free of any pesticide danger to workers; (pursuant to 20 C.F.R. §§604.1(j) and 604.5);

d. unless said employer shall guarantee in writing a job of at least 40 hours duration during the ensuing seven day period at the highest prevailing wage paid for comparable employment (pursuant to 20 C.F.R. §604.1(k) and State Farm Labor Office Regulation §2106(5) providing for jobs at "the highest earning potential").

3. Each local California Farm Labor Office shall be prohibited from operating or servicing any employers until it shall institute a regular policy and procedure, pursuant to 20 C.F.R. §604.1(f),(j) and (k), whereby:

a. at least 10% of all employer job order specifications each month shall be personally investigated (pursuant to State Farm Labor Office Regulation §§2104, 2106(10), 2139(3), 2139(4), and 2140 requiring personal investigations and familiarity with agricultural conditions by Farm Labor Office personnel);

b. a full and complete list, in Spanish and English of all available jobs, including specifications as to wages, period of guaranteed employment, and working conditions,

including pesticides used, shall be publicly posted at each Farm Labor Office (pursuant to 20 C.F.R. §604.1(f), (k) and State Farm Labor Office Regulation &2172);

c. Day Haul Centers operated directly or indirectly by Farm Labor Offices shall be prohibited from servicing any persons that are not in full compliance with paragraph 2, supra; and wages for employees secured through said Day Haul Centers shall be computed from time of entrance on the bus to time of return to Day Haul Center (pursuant to 20 C.F.R. §604.1(f),(j) and (k) and State Farm Labor Office Regulations §§2159(3) and 2153);

d. employers who have been found within six months of a job order to have violated applicable federal, State or local health, labor, or safety laws shall be prohibited from directly or indirectly using or benefiting from any Farm Labor Office services (pursuant to 20 C.F.R. §604.1(j) and State Farm Labor Office Regulations §§2153, 2160(6) and 2160(7) empowering local Farm Labor Offices to restrict their services only to those in full compliance with federal, State and local laws);

e. new employment policies shall be devised, effective immediately, to increase the employment of farm workers and Spanish-speaking personnel at the local Farm Labor Offices in order to more fully and adequately advise and counsel workers as to the best available jobs (pursuant to 20 C.F.R. §§ 604.1(f), (j) and (k), 604.12, 604.8(h) and State Farm Labor Office Regulation §2159).

EXHIBIT C

AFFIDAVIT

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BENITO)

I, JUAN ZAMORA, being first duly sworn depose and say:

I am the president of the San Benito County Consumers' Corporation. This corporation has approximately two hundred members. At a general membership meeting on February 9th, 1970 we discussed the concern of the corporation in obtaining decent wages and good working conditions for farm laborers. We decided that the farm labor office has failed to help farm laborers find such decent wages and working conditions. A vote was taken regarding the memberships' interest in bringing a law suit to close the farm labor office because of its failure to serve farm workers. Seventy-five members voted in favor of the proposed law suit, no member voted against the law suit, ten members abstained. Therefore, it is the feeling of the San Benito County Consumers' Corporation that the exploitation of farm workers with the assistance of the farm labor office should cease immediately.

Juan Zamora
JUAN ZAMORA

SUSBCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF FEBRUARY, 1970

HOLLISTER, CALIFORNIA

Augustina R. Duran
NOTARY PUBLIC

GLICK, GNAIZDA, REYNOSO,
YEGHIAYAN, ABASCAL, ALTSHULER,
BRENNAN, DELEVETT, FRETZ,
LIVINGSTON, MC CABE, POWELL,
WILSON, AND YNOSTROZA,
California Rural Legal Assistance
1212 Market Street
San Francisco, California
Telephone: (415) 863-4911

LOUIS GARCIA, ALFONSO GONZALES,
ROBERT E. GONZALES
Mexican-American Political Association
Mexican-American Legal Defense &
Educational Fund, Inc.
1231 Market Street
San Francisco, California
Telephone: (415) 626-8100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

AJZ

250 SANTA CLARA, SONOMA, STANISLAUS, IMPERIAL, SANTA BARBARA, SAN LUIS OBISPO, MADERA, YUBA, SUTTER and BUTTE COUNTY FARM WORKERS; ET AL.,

Plaintiffs,

vs.

GEORGE SHULTZ, U.S. SECRETARY OF LABOR; ET AL.,

Defendants.

C 81

CIVIL ACTION NO._____

PLAINTIFFS' POINTS AND AUTHORITIES IN SUPPORT OF INJUNCTIVE RELIEF

I.

JURISDICTIONAL

Farm workers recently brought suit against the federally-funded Florida State Farm Labor Offices pursuant to the very employment section of the Wagner-Peyser Act involved herein. Gomez v. Florida State Employment Service, 417 F.2d 569 (5th Cir., 1969). Gomez and other farm workers alleged that they were deprived by State employment service officials of wages and working condition benefits promised by the act and regulations. The Fifth Circuit unanimously held that the court had jurisdiction, pursuant to 29 U.S.C. §49, et seq., 42 U.S.C. §1337,

42 U.S.C. §1343 and 42 U.S.C. §1983, the jurisdictional sections presented herein.

Moreover, the court held that the complaint against the State Farm Labor Office stated a claim for which relief could readily be granted.

> "We start with the proposition that there can be no doubt that the regulations of the Secretary of Labor were intended to protect the interests of the workers. The conditions were deplorable.... There were no standards. The Secretary was concerned about preventing the use of the federal resources to help prolong these conditions and to subvert other efforts to improve the conditions of the workers. In words attributable to the Secretary of Labor, the regulations were said to be designed to prevent 'the public employment service from being utilized to send workers over long distances to employment providing quarters dangerous to their health and safety.' ... The Secretary's concern with workers, their wages, living and transportation conditions as being at the heart of the Secretary's purpose in promulgating more effective standards as attested by the attorney general's paraphrase:" (at 575, emphasis added.)
>
> * * * * * *
>
> "Thus from the legislative history and from the regulations themselves it is plain that they were intended to confer an interest upon migrant farm workers such as plaintiffs here." (at 575)

II.

RELIEF

The legal remedies sought by the plaintiffs, either the cutting off of federal funds to the California Farm Labor Office or compelling it to meet its statutory and regulatory obligations, were discussed in Gomez, and the court held that both remedies are readily available:

> "It is unthinking that Congress, obviously concerned with people, would have left the Secretary with only the sanction of cutting off funds to the state ... Congress more and more commits to individuals, acting as a private attorney general, the effectuation of public rights through relief to individuals." (417 F.2d at 576)

See also Munoz v. California Department of Employment (#191631, July 31, 1969, unpublished opionion, Sacramento

36-513 O - 71 - pt. 7B -- 8

Superior Court) in which the court held that the State defendants herein had an affirmative obligation to personally investigate agricultural field sanitation and safety conditions before referring farm workers. The decision was based on undisputed evidence showing that: 1) every farm worker referred by the State Farm Labor Office was referred to a grower who violated fundamental State sanitation laws, such as absence of toilets (1,869 violations proved), and to growers who violated minimum wages (481 violations); and 2) the Farm Labor Office itself flagrantly violated State sanitation and safety laws by refusing to provide or require any drinking water or safe buses to farm workers.

III.

IMPORTANCE OF IMMEDIATE RELIEF

The Fifth Circuit in Gomez, supra, eloquently stated the harm being caused to the plaintiffs by Farm Labor Offices that fail to protect their rights:

> "The aim of the plaintiffs through appropriate judicial remedies, is to secure for themselves the fundamentals of human dignity. They seek to protect their right to decent housing and sanitary living conditions so they and their children may be free of disease. They seek to protect their ability to work for the wages which Congress has in effect determined to be the minimum to which they are entitled. They seek sanctions for having been deprived of some of these few protections designed by Congress to lift them out of economic-sociologic, peonage. Such fundamental human, highly personalized rights are just the stuff from which Section 1983 claims are to be made." (417 F.2d at 579)

The 1970 agricultural year is just about to commence in California. It is already in full swing in Imperial County. The number of farm worker jobs will quadruple in the next 45 days. Therefore, immediate relief is essential for protection of the fundamental rights of these workers, including protection of their health and safety.

IV.

THE WAGNER-PEYSER ACT AND THE REGULATIONS FULLY GUARANTEE THE RELIEF SOUGHT HEREIN

In the alternative to cutting off federal funds to the State Farm Labor Offices, a right clearly available to the Secretary of Labor, (Gomez, supra and 20 C.F.R. §602.20 & 22) plaintiffs have sought (see Exhibit B attached to the complaint) to compel a Fair Employment Plan to oversee the Farm Labor Offices by a committee of farm workers, growers and U. S. Labor Department officials in accordance with the Wagner-Peyser Act and federal regulations and State Farm Labor Office Regulations promulgated thereunder. These regulations clearly bestow and gurantee in unequivocal and specific fashion the right of American farm workers to the "best jobs available" and the highest prevailing wages in accordance with federal, State and local laws. The regulations specifically deny growers the use of any Farm Labor Office service if they are in violation of "any federal, state or local law." Set forth below is a compendium of the applicable federal regulations enacted pursuant to the Wagner-Peyser Act and the California Farm Labor Office Regulations promulgated in accordance with said federal regulations.

Federal Regulations:

> "Each State desiring to receive the benefits of the Wagner-Peyser Act shall submit detailed plans for carrying out the provisions of the act in accordance with the instructions ... prescribed by the Secretary of Labor. (20 C.F.R. §602.20)
>
> "[Each State must] Submit a statement that the State agency will adhere to the basic standards set forth as United States Employment Service policies ... and will maintain an organication and procedures necessary to carry out effectively such policies." (20 C.F.R. §603.4)

"It is the policy of the United States Employment Service: .... (20 C.F.R. §604.1):

"To ensure so far as practicable that workers are placed on jobs which utilitze their highest skills." 20 C.F.R. §604.1(f)

"To make no referral as a result of which a charge would be made either to the worker or the employer for filling the job." (20 C.F.R. §604.1(h)

"To make no referral to a position where the services to be performed or the terms or conditions of employment are contrary to federal, State or local law." (20 C.F.R. §604.1(j)

"To recruit no workers for employment if the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality." (20 C.F.R. §604.1(k)

"It is the policy of the United States Employment Service ... to actively cooperate with State health agencies in programs affecting agricultural workers." (20 C.F.R. §604.5)

State Regulations Pursuant to Federal Regulations:

The following regulations are from the State Department of Employment, Local Office Manual: Farm Placement Operations; Management and Supervision:

"Whenever possible, place workers on jobs which use their highest skills or provide the highest earning potential." (§2106(5))

"To make no referral to a position where the services to be performed or the terms or conditions of employment are contrary to Federal, State, or local law." (§2106(9))

"To recruit no workers for employment if the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality." (§2106(10))

"A domestic unemployed worker ... is entitled to the best job we have to offer ... and which is not in violation of any Federal or State laws or regulations. The best job is that job which would provide the applicant with one, or a combination of the following factors:

a. An opportunity to utilize his highest skill.

b. Has the highest earning potential or longest job duration.

c. The most desirable working conditions, crop activity, housing facilities, transportation arrangements or accessability to the job." (§2159(3))

/// ///

"Do not accept orders under the following conditions:

(b) If services are to be performed or conditions of employment are contrary to Federal, State or local law." (§2139(3))

"Discontinue referral immediately if you find that any order already taken contains factors making it unacceptable under policies for order taking. Contact the employer and attempt to get him to remove the unacceptable factors; if he will not, advise him you must cancel the order." (§2160(6))

"Recruit no workers for employment if the wages, hours, or other conditions of work are substantially less favorable to the individual than those prevailing for similar work in the locality." (§2160(7))

"An order is substandard if the wages offered, the hours of work, or working conditions are substantially below the standard in your community for the type of work.

When you receive a substandard order tell the employer which factors are substandard. If he declines to change the order, tell him there is only a limited chance the opening can be filled and the Department will make no attempt to recruit workers." (§2153)

"Where there are numerous quits of a particular employer, interview workers to determine the reason. If quits seem to be attributable to the employer or his representative, discuss the problem with the employer and seek to achieve a remedy to the problem." (§2176(1)(e))

"The ... farm labor office seeks to aid ... farm workers from wage loss from lack of job opportunity...." (§2103)

"Provide the applicant any information which may increase his opportunity for agricultural employment." (§2110(9))

"It is the joint responsibility of the local office and the employer to keep orders current and to review the orders as often as necessary to insure that they reflect an accurate need of workers and the conditions of employment being offered." (§2139(4))

"An agricultural order ... [I]nvolves recording information about ... [the] order and an employer which will tell .... [W]hat attractions the job and the working conditions offer an applicant." (§2140)

"To the extent possible, each placement interviewer should visit key agricultural

establishments to keep his occupational knowledge up to date." (§2104) (Emphasis where underlined.)

Dated: March 3, 1970.

Respectfully submitted,

GLICK, GNAIZDA, REYNOSO, YEGHIAYAN, ABASCAL, ALTSHULER, BRENNAN, DELEVETT FRETZ, LIVINGSTON, MC CABE, POWELL, WILSON and YNOSTROZA

By _____
Robert L. Gnaizda

_____
Martin R. Glick

_____
VARTKES YEGHIAYAN

GLICK, GNAIZDA, REYNOSO,
YEGHIAYAN, ABASCAL, ALTSHULER,
BRENNAN, DELEVETT, FRETZ,
LIVINGSTON, MC CABE, POWELL,
WILSON, and YNOSTROZA,
California Rural Legal Assistance
1212 Market Street
San Francisco, California
Telephone: (415) 863-4911

LOUIS GARCIA, ALFONSO GONZALES,
ROBERT E. GONZALES
Mexican-American Political Association
Mexican-American Legal Defense &
Educational Fund, Inc.
1231 Market Street
San Francisco, California
Telephone: (415) 626-8100

Attorneys for Plaintiffs

ORIGINAL
FILED
APR 16 1979
CLERK, U. S. DIST. COURT
SAN FRANCISCO

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

250 FARM WORKERS, et al., Plaintiffs, vs. GEORGE SHULTZ, U.S. SECRETARY OF LABOR, et al., Defendants.	CIVIL ACTION NO. C-70 481 AJZ REPLY BRIEF

The Court requested a clear statement of issues from the parties. Therefore Part I, immediately following, contains the proposed order, and an explicit point by point breakdown of each part of that order stating [1] the precise regulations involved, [2] the actual practice which is out of compliance with the regulations, with documentation, [3] the feasibility of compliance with the law, and [4] a one sentence summary of the language of the proposed order.

Part II is "irreparable injury"--setting forth the urgency of action to prevent injury from pesticide poisonings and unhealthy sanitary conditions and setting forth the enormous cost to California farm workers of continued non-compliance with law.

The remaining sections other than the last one deal with

defendants' affidavits and statistics--to show that these support plaintiffs' case. The final section contains the legal authority for plaintiffs' proposed preliminary injunction requiring defendants to obey their own rules.

PROPOSED ORDER

IT IS HEREBY ORDERED that defendants be restrained and enjoined during the pendancy of this action from:

A. Refusing (1) to require and record on each employer order form information concerning health and sanitation facilities and pesticide use at the job site, (2) to post in a conspicuous place this information along with information concerning wage offered, anticipated job duration, and the approximate location of the job, and (3) to reject any job order out of compliance with law.

B. Refusing to verify wage and working condition information received from employers by checking these conditions during routine field visits, by declining to serve employers found out of compliance with law, until the unlawful condition is corrected, and by developing a plan to suspend service to employers found to be repeated violators.

C. Providing any service to farm labor contractors or other persons who receive any fee or charge for providing workers to another.

D. Accepting any order listing a wage below the prevailing wage, including any piece rate order which does not guarantee that each worker placed will receive no less than the prevailing wage.

E. Refusing to form a state advisory council and advisory councils in local communities served, such committee to be fairly and equally representative of the interests of both farm employers and employees.

F. Refusing to require minimum job durations and pay on orders placed, depending upon the nature of the order, but not to be less than 8 hours on pool placements and one week on regular jobs which are not cancelled by the employer prior to the time the referred employee arrives at the job site.[1]

I

POINT BY POINT BREAKDOWN OF PROPOSED ORDER

A. HEALTH AND SANITATION VIOLATIONS (TOILETS AND DRINKING WATER)

1. Regulations

> It is the policy of the United States Employment Service. . .To make no referral to a position where the services to be performed or the terms of conditions of employment are contrary to federal, State or local law. [20 C.F.R. §604.1(j), see also identical State Reg. §2106(9)].[2]

State regulation §2159(3) further amplifies this. It states that a domestic farm worker "is entitled to the best job we have to offer [including] "The most desirable working conditions." (emphasis added).

State regulations specifically prohibit accepting any job orders from growers who violate any applicable laws: "Do not accept orders under the following conditions: . . .If services are to be performed or conditions of employment are contrary to federal, State or local law (§2193(3))."

State regulations specifically require the Farm Labor Office to include on its employer's job orders: "the conditions

---

[1]The Proposed Order with captions is attached to this brief.

[2]State regulations are found in the State Department of Employment, Local Office Manual: Farm Placement Operations Management and Supervision.

///

of employment being offered." (§2139(4)), and to "record. . . information about. . .the order and an employer which will tell. . what attractions the job and the working conditions offer an applicant (§2140).

Most significantly, State regulations require that "each placement interviewer should visit key agricultural establishments to keep his occupational knowledge up to date." (§2104)

And in Munoz v. State Department of Employment (Sac. Sup. Ct., #191631, July, 1969) the Sacramento Superior Court held that the very defendants herein had an affirmative duty to verify health and sanitation conditions before accepting a job order due to 90% of all growers violating toilet and drinking water requirements. (1,869 health and sanitation violations proved in one year in Salinas Valley).

2. Actual Practice

Despite these regulations mandating the defendants to verify working conditions and prohibiting the use of their free services by law violators, the Director of the State Farm Labor Service and the long-time manager of the Sonoma County Farm Labor Office testified that their policies were:

(a) Never to verify agricultural working conditions (Dep., Eisley 55-56);

(b) Never to inquire of employers as to actual working conditions (Dep., Eisley, 55-58);

(c) Never to refuse service to an employer even if they received "1,000 complaints" from Santa Rosa workers. (Dep., Eisley, 136-138).

Affidavits (E-AN) further verify the defendants' refusal to obey their own rules and regulations.

3. Feasibility of Obeying Their Own Rules

Obviously the mere existence of the rules is sufficient proof of feasibility. However, the defendants' farm labor

managers on deposition admitted that actual field verification of working conditions was totally feasible.

Eisley, the Manager of the Santa Rosa Office, testified that in 1969, his office made 695 separate, personal field visits to growers and that on the average each grower was personally visited at his farm twice a year for about an hour each time (Dep., 49-58). Moreover, he admitted that the majority of the available space on the employer job order form he uses relates exclusively to working conditions, including whether toilets and drinking water are available (Dep., 159-163).

Despite State Farm Labor Office policy being not to obey their own rules, Pat Crow, the manager of the Imperial Farm Labor Office admitted that he violates State policy and does verify toilets and drinking water violations by personally checking on their existence during grower field visits (480-3600 field visits a year) (Dep., Crow, 62-68).

The Imperial County Sanitarian admitted that his office cannot effectively enforce field sanitation laws, that he requires the assistance of the Farm Labor Office to effectively enforce these laws, and that it is quite feasible for the Farm Labor Office to verify if applicable health and sanitation laws are being obeyed. (Ex. AW) See also the affidavits of other County Sanitarians supporting the Imperial County Sanitarian's position that county agricultural health departments are under-staffed, require the active assistance of the Farm Labor Office, and believe the Farm Labor Office has the expertise to be fully effective. (Ex. AX, AY).

A striking illustration of the feasibility of the defendants' assuming their regulatory responsibility as to working conditions is contained in the attached February, 1970, Farm Labor Service bulletin to farm workers, Ex. AQ. The government promises the farm worker a good job, then guarantees

to him seventeen specific rights as to housing alone, and then ends with the following unequivocal admission of responsibility and acknowledgement of feasibility:

> If your employer does not provide these [seventeen] things, tell the Farm Labor Representative at the nearest local office of the State employment service.

4. Proposed Order

The proposed order to protect the health of farm workers would simply prohibit defendants from failing to secure health and sanitation assurances when job orders are placed, from refusing to verify working conditions during the field visits which they routinely make, and from failing to institute a plan to withhold service from employers who violate the law.

B. PESTICIDES

1. Regulations

The applicable regulations are set forth supra, "A. Health and Sanitation Violations," at p. 3. In addition, the regulations require the Farm Labor Office "to actively cooperate with State Health agencies in programs affecting agricultural workers" (20 C.F.R. §604.5); to provide the farm worker with job orders that reflect. . .the conditions of employment being offered" [State Reg., §2139(4)]; and to:

> Discontinue referral immediately if you find that any order already taken contains factors making it unacceptable. . .contact the employer and attempt to get him to remove the unacceptable factors." [State Reg., §2160(5), emphasis added] and:
>
> It is the policy of the United States Employment Service. . .to refer young workers [25% of all job placements involve persons under 21] to jobs which are not injurious to their health and welfare. . ." (20 C.F.R. 604.6, emphasis added).

2. Actual Practice

The State defendants all testified at deposition that it is their policy, despite their employer job order form requiring information as to working conditions:

(a) Never to inquire of growers as to any matter relating to the use of pesticides;

(b) Never to verify if a grower is unlawfully spraying his fields with toxic pesticides while employing workers, despite the State Farm Labor Office making forty thousand (40,000) personal field visits to growers in 1969 (Dep., Eisley, 154-167).

3. Feasibility

The State's total refusal to obey its own regulations as to protecting farm workers from unlawful and hazardous working conditions exists despite:

(a) its employer job order forms making specific reference to "working conditions." (Dep., Eisley, pp. 159-163);

(b) its personnel making 40,000 annual personal, separate field visits to growers;

(c) Pat Crow, its Imperial Farm Labor Office manager admitting that it was totally feasible for his office to inquire of and verify pesticide usage (Dep., p. 52);

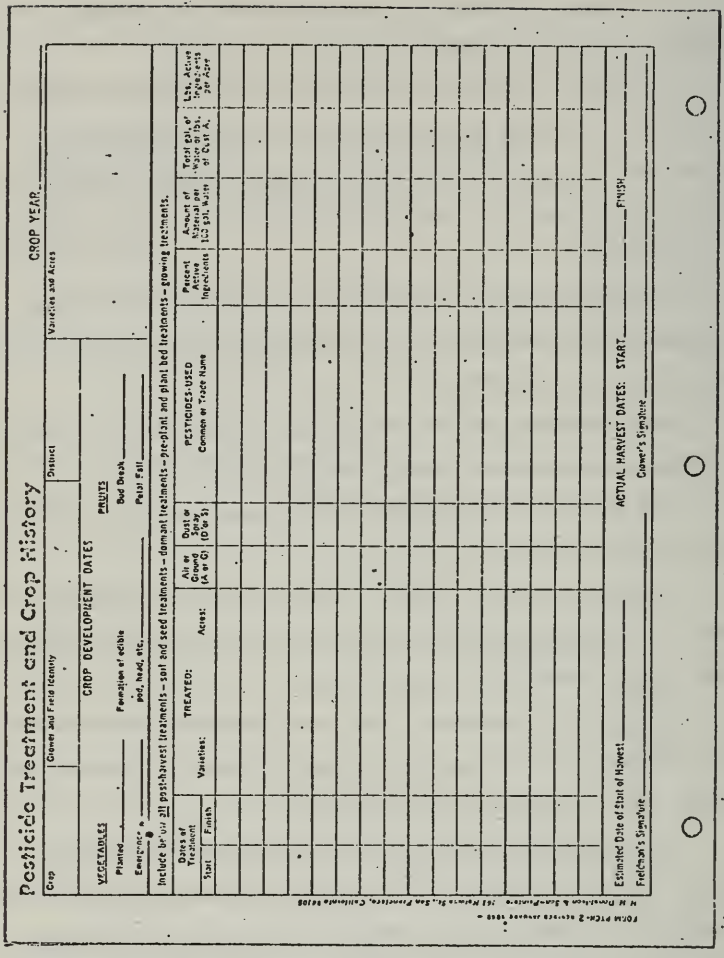
(d) its own December, 1969, study documenting that 37,500 farm workers annually (12% of all farm workers) are harmed by extreme, uncontrolled use of pesticides.

The ease with which pesticide information could be supplied to farm workers is illustrated by the prevailing practice in California field and tree crops. No cannery will accept any crop until the grower supplies the cannery with full information as to when he commenced the use of pesticides, the dates of use, the exact quantity and quality of pesticides, and the exact locations of such use (attached hereto as Ex. BI is a copy of such form, plus a typical contract). Set forth below is part of said form:

///

///

///



Pesticide Treatment and Crop History

CROP YEAR

Crop | Grower and Field Identity | District | Varieties and Acres

VEGETABLES: Planted ____ Emergence ____

CROP DEVELOPMENT DATES: Formation of edible part, head, etc. ____

FRUITS: Bud Break ____ Petal Fall ____

Include below all post-harvest treatments – soil and seed treatments – dormant treatments – pre-plant and plant bed treatments – growing treatments.

Dates of Treatment: Start	Finish	Varieties:	TREATED: Acres:	Air or Ground (A or G)	Dust or Spray (D or S)	PESTICIDES USED Common or Trade Name	Percent Active Ingredients	Amount of Material per 100 gals. Water	Total gals. of Spray Used on Total Ac.	Lbs. Active Ingredient per Acre

Estimated Date of Start of Harvest: _____ ACTUAL HARVEST DATES: START _____ FINISH _____

Fieldman's Signature _____ Grower's Signature _____

FORM PTCH-2 REVISED JANUARY 1980 – (61 Returns to San Francisco, California 94105)

4. Proposed Order

The proposed order to protect the safety of farm workers would enjoin defendants from failing to secure pesticide information at the time an order is placed.

C. ILLEGAL FEES

1. Regulation

> It is the policy of the United States Employment Service to make no referral as a result of which a charge would be made either to the worker or the employee for filling the job. (20 C.F.R., 5604.1(h))

2. Actual Practice

Both farm office managers deposed, Milton Eisley and Pat Crow, testified that they make referrals to farm labor contractors. (The Calexico Farm Labor Office manager testified that 30% to 50% of all office referrals--150,000 to 200,000 per year--were to middleman-contractors who own no land and grow no crops). [Dep., Crow, 38, 44; Dep., Eisley, 204-205]. Pat Crow testified that these middlemen are then paid by growers at, for example, 25 cents a head for each hour of work done or 5 cents a box for each box picked by a worker [Dep., 43]. Thus if the Farm Labor Office sends 100 workers to a contractor-middleman and the workers work 8 hours, the contractor-middleman receives a charge from the employers of $200.00 a day. A direct referral from the Farm Labor Office to the actual employer would have enabled the farmer to pay each worker $1.90 an hour, instead of $1.65. Mr. Eisley testified that, though they might tell an applicant about the jobs of higher pay, they would make referrals where the contractor was in effect taking a cut from the farm worker's pay:

> Q. Would [you] refer workers out at $1.65 an hour to a farm labor contractor if other employers in the area were paying more than $1.65 to identical workers? . . .[Dep. 207]
> A. Yes.

Pat Crow testified that he wasn't aware of any regulation having to do with use of the farm labor service by a middleman [Dep. 41, 42]. He stated that information about what the grower is paying the contractor and the nature of their arrangement was irrelevant [Dep., 44]. This practice probably accounts for the many referrals made below the $2.00 to $3.00 an hour wage the State Farm Labor Office bulletin describes to be the general prevailing wage. [Cal. Annual Farm Labor Report, 1968, p. 20].

3. Feasibility

Implementation would present no problem whatsoever. The

Farm Labor Office would accept orders only from those who owned or leased the crop or land to be worked upon, just as they are doing now with 50% to 70% of the orders placed. During operation of the foreign labor program, the defendants refused to allow labo contractors to use their services to receive foreign labor but would only refer them to legitimate growers. [20 C.F.R., §§602.9 et seq.].

4. Proposed Order

The proposed order, in the language of the regulation, enjoins the defendants from referring workers to persons who receive money for providing workers to another.

D. PREVAILING WAGE

1. Regulations

It is the policy of the United States Employment Service to recruit no workers for employment if the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality. 20 C.F.R. §604.5 [Similar state regulation is §2106(10)]

2. Actual Practice

The farm labor managers have required nothing more than minimum wage on hourly pay orders placed with them. [Dep., Eisley, 173; Dep., Crow, 71]. Farm Labor Offices Chief Tolbert testified that his offices make no inquiry and wish to receive no information concerning wages actually being paid. [Dep. 66-68] He further testified that when they do compute prevailing wage, it is computed solely from orders placed with their offices without regard to wages offered by growers who do not need to resort to the placement office to find workers. [Dep., 80]. Pat Crow testified that he makes no computation whatever on prevailing wage. [Dep., 78], [See also Ex. AO: affidavit of California's second largest strawberry grower that growers who pay poor wages

do use the Farm Labor Service].

In actuality, however, the Farm Labor Office routinely accepts orders at below the minimum wage. Just about half the orders placed specify no hourly wage at all. [Dep., Eisley, 233]. These orders offer workers a "piece" rate, e.g. 16 cents a box for tomatoes or $4.00 a bin for apples picked off the ground. [Dep., Eisley, 172-182; Dep., Crow, 72-73]. In deposition both Farm Labor Office managers and director Tolbert testified that neither they nor their staff members had any idea what number of bins or boxes a good worker could pick in an hour.[3] [Dep., Eisley, 174, 177-179; Dep., Crow, 72-73]. Thus the Farm Labor Office in Santa Rosa has accepted $4.00 a bin jobs in apples although even the best worker cannot pick more than 2 bins (3,000 lbs) of apples in an 8 hour day. [One bin holds 30 boxes of apples]. [Ex. BK; Dep., Eisley; 172-182]. Payroll records are never checked by Farm Labor Office employees. [Dep., Crow, 66; Dep., Tolbert, 67]. Mr. Eisley testified that his office would not conduct a countywide survey of piece rates even if a legitimate group of farm workers presented to his office documentary evidence that the growers by whom they were employed during the year were paying average piece rate wages of only $1.10 per hour. [Dep., 182]

Pursuant to the Wagner-Peyser Act the Secretary of Labor has instituted regulations requiring, if foreign labor is to be used, that each worker receive no less than the prevailing hourly wage. Those regulations deal specifically with the piece rate gimmick:

---

[3]There is good reason to doubt the accuracy of this testimony as several of the Santa Rosa Farm Labor Office staff members are growers or are related to growers. For example, Mrs. Blasi referred workers to her own ranch. There were 40 referrals to the Blasi Ranch by the Santa Rosa Office, some on the piece rate. [Dep., Eisley, 257-260] [See Exhibits BQ and BR, affidavits of workers who were referred to the Blasi Ranch and received no work].

> Piece rates shall be designed to produce hourly earnings at least equivalent to the hourly rate specified [prevailing wage] and no workers shall be paid less than the specified hourly rate. The computation of makeup pay shall be made on a pay period basis and makeup pay shall be paid to each worker whose average hourly earnings in the pay period do not equal the specified hourly rate. (20 C.F.R. §602.10b(2))

3. Feasibility

About half the orders now placed specify an hourly rate. [Dep., Eisley, 233]. The only change then would simply be a requirement that each employer promise that he will pay no less than the prevailing hourly rate for each worker referred. As mentioned previously, the Labor Department and State of Californi have previously operated such a system in connection with importation of foreign labor.

4. Proposed Order

The proposed order would specifically prohibit defendants from allowing growers to subvert the prevailing wage by listing only piece rate pay.

E. LIST OF AVAILABLE JOBS

1. Regulations

The regulations require that each farm worker be given the maximum exposure to all available jobs, rather than to only one job. The Farm Labor Service's industrial counterpart, with which it generally shares rental space and a common entrance, requires that all available jobs be posted. [Dep., Tolbert 134]. The Farm Labor Service refuses to do so. [Dep., Tolbert, 132-133]. The regulations, however, state that the Farm Labor Office must:

"Provide the applicant any information which may increase his opportunity for agricultural employment." [§2110(9), emphas added].

"A domestic unemployed worker. . .is entitled to the best job we have to offer. . ."[2159(3), emphasis added].

"The. . .farm labor office seeks to aid. . .farm

workers from wage loss from lack of job opportunity. . ." (§2103)

2. Actual Practice

Practically every Farm Labor Office refuses to make public a list of pertinent information about pending jobs. Bill Tolbert stated that even though he knew that jobs are listed for all workers except farm workers, he would not change this practice. [Dep., 132, 133, 105, 106]. The Farm Labor Offices have an obsession with their statistics, constantly seeking to inflate them. Thus Tolbert testified that he wouldn't list all jobs because the office might occasionally lose a statistic if the farm worker found the job from the blackboard. He testified that, "Well, certainly, that [statistics] is part of the game." [Dep., 133].

Thus a farm worker entering a Farm Labor Office cannot find out the location of available jobs. He cannot read for himself the wages that are being offered or the likely duration of the job or the type of work or any other specific information. He can only learn what the office employee decides to tell him. [Ex. A] Frank Valenzuela, former Farm Labor Office employee, stated in his affidavit, that the offices are grower-dominated and oriented. Thus workers are frequently referred to the worst jobs (long distance away, poor pay or working conditions, thin crop) because that grower has the hardest time recruiting on his own. [Ex. A] Grower Tom Driscoll confirms this. [Ex. AO]. In Santa Rosa (see footnote 3 supra), Farm Labor Office employees refer workers to their own ranch and director Bill Tolbert, an orange grower for 20 years in Ventura county, testified that he sees nothing wrong with it. [Dep., 100].

3. Feasibility

Imperial County Farm Labor Office director Pat Crow testified on deposition that, even at the Calexico day haul where 1/4 of all California placements occurred in 1969, he

requires growers to list on one of his five giant blackboards their name, crop activity, wage, expected job duration, and sometimes place of employment. [Dep., 29, 30, 35]. The blackboards are adjusted every day to record accurate information. [Dep, 36]. Milton Eisley in Santa Rosa testified that all this information is available on a board facing away from workers who come to the counter. [Dep., 151-52] Simply by turning the board at an angle the information on available jobs would be visible to all who are seeking the best available job. [Dep., 152

4. Proposed Order

In accordance with disclosure regulations and duty to provide the best job, the proposed order restrains defendants from refusing to make public to each worker the full range of available jobs and pertinent information pertaining to the jobs.

F. ADVISORY COUNCILS

1. Regulations

Federal regulations require that each local Farm Labor Office, as well as the State Farm Labor Office, maintain formal relationships with farm workers and growers through the creation of advisory councils:

> Each State agency shall maintain a State advisory council. . .and shall maintain local advisory councils, in such communities and constituted in such manner as the State agency deems necessary to promote and assist in the carrying out of the services and activities described in those regulations. (20 C.F.R. §602.17, emphasis added).

> It is the policy of the United States Employment Service. . .To cooperate with other agencies of government and private and community organizations to improve the employment process and to participate in community programs for the same purposes. (20 C.F.R. §604.12)

2. Actual Practice

The vast majority of the Farm Labor Offices have no advisory councils. Eisley, the Sonoma County Farm Labor Office manager, testified that:

(a) His office has no advisory council, does not want one and sees no purpose in having one.

(b) Seven years ago his office had an advisory council and all of its members were growers. [Dep., 119-121]. Pat Crow's testimony was that he saw no use for advisory committees. [Dep., 109].

3. Feasibility

None of the defendants deposed questioned the feasibility of advisory councils, pursuant to federal regulations. One, Eisley, stated that in fact he used to haveone, consisting solely of growers. [Dep., 119-120]. Most federally-funded programs, such as OEO Legal Service programs, have statewide and local advisory councils that meet regularly.

4. Proposed Order

The order suggested is in the words of the regulations requiring the state and local areas to form representative advisory councils.

G. MINIMUM JOB DURATION

1. Regulations

> An order is substandard if. . .the hours of work. . . are substantially below the standard in your community for the type of work. [§2160(7)]
>
> It is the joint responsibility of the local office and the employers to keep orders current and to review the orders as often as necessary to insure that they reflect an accurate need of workers and the conditions of employment being offered. [§2139(4)]
>
> The Farm Labor Office seeks to aid. . .farm workers from wage loss from lack of job opportunity [§2103].
>
> A domestic unemployed worker. . .is entitled to the best job we have to offer. . .[§2159(3), emphasis added].

2. Actual Practice

The Farm Labor Office will accept any order regardless of the duration of the job. Milton Eisley testified that it is a placement even if there is only 30 minutes of work. [Dep., 163]. Pat Crow testified that ten minutes was sufficient [Dep.,

84]. Furthermore a farm applicant is often given no information about the expected duration of the job he is being sent to.

Secondly, there is no requirement that a grower call in and cancel his order if the grower independently fills the job. Thus if a farm worker drives 50 miles to a job which was filled the day before, the worker gets nothing and forfeits his gasoline money. [Affidavits A, E-Z].

There are numerous affidavits filed with the court citing the frequency with which this occurs. Gilberto Valenzuela [Ex. L] was referred to a job in the state of Washington. When he arrived he found about 500 workers in a camp there. Fortunate workers were given 2 to 3 hours work a day. Some were given no work at all. Gilberto Valenzuela returned to Calexico and told other workers about to be sent to the same job in Washington what the conditions were really like. Upon doing so he was scolded and threatened by a farm labor office employee [Ex. L, p. 3]. Others include Robert Guerrero [Ex. E],--15 minute job; Antonio Lopez [Ex. F]--no work at all when he arrived at job; Survey in Calexico of 125 workers [Ex. J]--90% had been sent to jobs with less than a full day's pay causing loss for the day's efforts; Domingo Valdez [Ex. V]--125 mile round trip to employer who had no buckets and Michael Onofrey [Ex. Z]--5 hour bus ride for 36 workers given no more than 3 hours work each.

As shown by Exhibits A, K, L, M, and Z, employers frequently ask for more workers than they can possibly use so that they will be certain to get enough of them, so that they pick out the ones they like best, and so that they can deal quickly and effectively with any worker who ventures to complain about promised wages or lack of proper sanitation.

3. Feasibility

When employers placed orders with the Department of Labor for foreign workers they were required to show that they

had offered U.S. workers guaranteed jobs. The guarantee was for 3/4 of the work days in the period. Thus, since the minimum order was six weeks, guaranteed jobs had to be offered for a full month. If the employer then failed to provide the month's work, he was obligated to pay the worker just as if he had worked the full month.[4]

It would be no problem for the Farm Labor Office to simply refuse to accept job orders of less than a specified minimum.

---

[4]The full regulation is as follows: The offers to U.S. workers. . . shall Guarantee each worker the opportunity for employment for at least three-fourths of the workdays of the total period during which the work contract and all extensions thereof are in effect, beginning with the first workday after the worker's arrival at the place of employment and ending on the termination date specified in the work contract, or its extensions, if any. For purposes of the work contract, a workday consists of 8 hours of any day except Sunday, New Year's Day, July 4, Labor Day, Thanksgiving, or Christmas. If the worker, during such period, is afforded less employment than required under this provision, the worker shall be paid the amount which he would have earned had he, in fact, worked for the guaranteed number of days. Where wages are paid on a piece rate basis, the worker's average hourly earnings shall be used for the purpose of computing amounts due under this guarantee. In determining whether the guarantee of employment has been met, any hours which the worker fails to work during a workday when he is afforded the opportunity to do so by the employer, and all hours of work performed, shall be counted in calculating the days of employment required to meet this guarantee. If, before the expiration date specified in the work contract the services of the worker are no longer required for reasons beyond the control of the employer (due to an Act of God, such as frost, flood, drought, earthquake, hail, forest fire, or other natural calamity of such character as to make the fulfillment of the contract impossible), and this fact is determined by the Regional Administrator, the work contract may be terminated and efforts will be made to transfer the worker to other comparable employment. If such transfer is not effected, the worker shall be returned to the place of recruitment at the employer's expense. In either event deductions for transportation and subsistence en route from the place of recruitment to the place of employment made pursuant to paragraph (g) of this section shall be refunded. Whenever the contract is terminated under this provision, the employer shall be responsible for the three-fourths guarantee for the period beginning with the first workday after the worker's arrival at the place of employment and ending with the date the work contract is terminated, and the employer shall pay the worker all other amounts due under the contract. (20 C.F.R. §602.10a(h)).

///

///

4. Proposed Order

The order in light of regulations prohibiting "substandard" job orders offering no job duration beyond a few minutes or hours and mandating that orders be "kept current" restrains defendants from accepting job orders which do not specify at least a day's work on the daily placements and a week of work on full applications and from refusing to require payment unless the employer timely cancels the work order.

///

///

///

II

IRREPARABLE INJURY

Although the agricultural season in California never ceases altogether, the months of lowest activity are February, March and April. The season actually begins in May as the total placements (using defendants' own statistics) double from April and then increase seven-fold by July. [Crow dep. Exs. B and C] Unless relief is afforded now, no help will be forthcoming to California farm workers until the 1971 growing season, causing incalculable physical and financial harm to these workers.

The Court can take judicial notice that federal and state sanitation requirements are designed to protect the health of the workers. Exhibits AR-AV specifically cite the danger. Fred Singh, Imperial County sanitarian, warned that two cases of typhoid fever in 1968 resulted from the practice of using a common drinking cup: "Many of the fields in Imperial County are not complying with health and safety code regulations. There are many who use a large drum of water and an empty beer or other can. We recently found a crew of 60 people using only six drinking cans in one day, we checked four crews and found all of them in violation." [Ex. AR] Doctor Barnett Cline, a specialist in epidemiology, states in his affidavit that the use of a common drinking cup by a large number of workers could result in transmission of tuberculosis and infectious hepatitis. He further states that failure to provide toilets and handwashing facilities or provision of dirty, effectively useless toilets, "constitutes a grave potential danger to the health of the consumer of agricultural products. It would result in transmission of common diseases such as amoebinsis, typhoid and paratyphoid fever, infectious hepatitis, and bacillary dysentary." [Ex. AS] Dr. Russell Williams, senior physician on the Monterey County Hospital Staff and a specialist in internal medicine with 29 years' experience, also testifies to the grave

danger to workers and consumers from sanitation violations, pointing out the high incidence of such diseases in Mexico where vegetables may be unwashed and stating that sharing of one can will result in "transmission of tuberculosis, trench mouth, and even syphilis -- the latter would result when a worker has an ope lesion of the mouth." [Ex. AU] Dr. William Werner, a practicing physician, reaffirms these medical opinions. [Ex. AT] In addition to these more severe diseases, California farm workers stand to lose countless hours of work from such diseases as common cold measles, etc., if existing federal and state laws are not prompt enforced.

If anything, non-enforcement of pesticide laws presents even greater immediate danger to the farm worker. On December 1 1969, the defendant Human Relations Agency (Department of Public Health), issued its comprehensive report on pesticide danger to the farm worker. It reported that at least 150 of every 1,000 farm workers, or 37,500 statewide, are adversely affected, including death, hospitalization and loss of work by excessive uncontrolled use of pesticides of high toxicity.

> "First, a large percentage of pesticide-related injuries involve serious, disabling illness; secondly, like other kinds of work-related illnesses, pesticide poisoning is largely preventable and; thirdly, we have reason to believe that the reports of illness which we receive do not accurately reflect the true magnitude of the problem...." [Report of Human Relations Agency, Department of Public Health, December 10, 1969, at p. 4.]

Furthermore, the statistics are lower than actuality. The Publi Health Department states that "only a fraction of pesticide poisonings come to the attention of offical agencies under prese circumstances." The 1966 Public Health Report stated that "the severity of illness caused by agricultural chemicals is indicate by the greater frequency with which workers were expected to los time from work with such illness, as well as by the greater

frequency with which they are hospitalized, compared with occupational illness from all causes." [Occupational Disease in California Attributed to Pesticides and Other Agricultural Chemicals -- 1966.]

Of all the pesticides that are now used in the United States, the most toxic is the organic phosphate family, which includes Tepp, parathion, thimet, phosdrin, demeton, EPN, and methyl-parathion. Originally developed by the Germans during World War II as the central ingredient in nerve gas, organic phosphate chemicals were converted for agricultural use after 1945. As the Technical Bulletin for Physicians points out, "it is the phosphate ester [organic phosphate] pesticides with which the physician should be most familiar. Among them are the most hazardous of all pesticides...." [State Department of Public Health, Diagnosis and Treatment of Phosphate Ester Pesticide Poisoning, Technical Bulletin for Physicians, p. 2.] A single drop of Tepp on the skin can prove fatal. Parathion, the most widely used of the organic phosphates, is at least 120 times more toxic to the human skin than is DDT. An oxygen analog of parathion, paraoxon, which can form as a residue on foodstuffs sprayed with parathion, is 10 times more toxic than is parathion. Thimet and phosdrin are also more powerful than parathion, and are approximately 130 times more toxic than DDT. At least 55 million pounds of highly toxic organic phosphates were used in the United States in 1967, approximately a quarter of which were used in California. 1,152,819 pounds alone were applied in Imperial County, California, in 1967, as compared with only 369,691 pounds of chlorinated hydrocarbon pesticides (including DDT) -- or three times the quantity of less toxic chlorinated hydrocarbons applied. [State Department of Public Health, Occupational Disease in California Attributed to Pesticides and Other Agricultural Chemicals -- 1967, p. 3.]

This injury rate is likely to climb even higher in the future. The growth of pesticide injuries in California has been paralleled by an increase of the use of pesticides in agriculture, particularly of organic phosphate compounds. From 1960 to 1966, the use of organic phosphates increased by at least 160%, as compared with a growth of 25% for all other pesticides. With the prohibition of the use of DDT in California and in other parts of the United States, organic phosphates will be used even more frequently in the future, and, unless adequate steps are taken, the pesticide injury rate will increase correspondingly. As the State Department of Public Health concluded in its December 10th report:

> "It has been predicted by pest control specialists that as the usage of DDT and other persistent organochlorine compounds is eliminated, increasingly great amounts of organophosphate pesticides will be used both on the farm and in the home. Since the members of this latter family of chemicals are generally more toxic to humans than are the organochlorines it is possible, or even likely that we will witness an increase in the incidence of both occupational and home pesticide morbidity." [State Department of Public Health, A Report to the 1970 Legislature on the Effects of the Use of DDT [and] Similar Pesticides on Human Health and the Environment, Part III, p. 2.]

Defendants' Exhibit 3, submitted by Dr. Milby, an employee of defendants, elaborates on the Public Health Findings. He points out that in a house to house survey in Tulare County of 1,120 farm workers, 176 of them reported seeing a physician for pesticide poisoning symptoms occurring on the job. He also notes that in a control group of 100 non-farm workers, "only one person reported seeing a physician for any of the symptoms in question." As a scientist, he points out that he is not prepared to draw conclusions about other California counties until further studies have been completed.

In addition to the demonstrable danger to both farm workers and consumers from pesticide poisoning, the financial harm to the 260,000 plaintiffs is substantial and undisputed. Since the

complaint does not seek damages and is in no way a punitive action, expeditious relief is of the essence. Each day of delay means an unrecoverable loss in money alone of an estimated $500,000. [See Complaint, ¶10, alleging loss of wages of $99,800,000 per year.] A major portion of the lost wages, which can never be recovered, relates to the unlawful fee charging of California farm workers by farm labor contractors and the unlawful referral of workers to the lowest paying jobs and to jobs paying below the minimum wage. The other portion of the lost wages is attributable to the lost wages caused by pesticide poisonings and communicable diseases, such as typhoid and tuberculosis, caused by lack of toilets and the use of one drinking cup by as many as 60 field workers.

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

III

THE STATE DEFENDANTS' AFFIDAVITS ARE MISLEADING AND IN FACT SUPPORT PLAINTIFFS ALLEGATIONS

The State defendants have submitted affidavits which they assert cast "doubt upon plaintiffs' case." They argue that preliminary relief should therefore be denied. Careful examination of the text of the affidavits shows them to be either supportive of plaintiffs or half-truths or in one or two instances clearly internally inconsistent and incorrect.

A. Health Officials

One-third of the State defendants' affidavits relate to local health directors' statements that they have discovered innumerable toilet and drinking water violations, that virtually every California Rural Legal Assistance (CRLA) complaint led to a finding of such a violation, and that they are understaffed and unable to perform their statutory job. (For example: Def. Ex. 7, 757 violations found in Salinas Valley in fiscal year '68 and '69; (b) Def. Ex. 10-A, all of CRLA 1969 complaints valid but no action yet taken in Madera County; and (c) Def. Ex. 8, Sonoma County Field Sanitation "short-handed. . .and operating at 70% of authorized staff.")

What the State defendants fail to discuss is that the very affiants they interviewed have stated and believe that: (a) the Farm Labor Office is an essential link in successful enforcement, since, in effect, the "brandishing of the carrot is more successfu than the threat of the stick"; (b) the Farm Labor Office has the personnel and the expertise to enforce the law; and (c) the local field health departments are wholly understaffed, particularly in agriculturally-dominated areas.

Exhibit AW was submitted by Fred Singh, Imperial County Environmental Health Director, also one of defendants' affiants. He states: "It is not difficult to make a visual inspection while

these men (Farm Labor Office) are in the field. They also can verify if water, drinking cups (single service), toilet, and hand washing facilities are at the site." Singh also recommends that the Farm Labor Office take an active role in sanitation enforcement by, in addition to checking conditions, requiring an affidavit of compliance from employers who use the service and cutting off those who violate their affidavit. James O. Mankin, Stanislaus Health Director, strongly urges Farm Labor Service participation in health enforcement. He is also one of defendants' affiants--Def. Ex. 5). He states: "In some ways the Farm Labor Service office would be in a better position to obtain (sanitation) information because they know when farm work will begin in which fields." [Ex. AX] See also Exhibit AY.

B. Pesticide Report

The State affidavit from the chief State doctor in charge of the pesticide study (State Ex. 3) reaffirms and explains plaintiffs' allegations that 150 of every 1,000 farm workers are injured by toxic poisoning each year, and that this is 1,500% higher than for a control group of non-agricultural workers from the same area. [See p. 22, supra]. Apparently, the only purpose of this defendant affidavit is to inform the Court that the State is planning an even more comprehensive study which will not be ready for more than a year (mid-1971).

C. Attempt to Impeach Prior Affidavits

State investigators contacted numerous affiant farm workers refusing to consult the farm workers' attorneys to be present during the interviews. Regino de Leon states in his affidavit that State investigators visited his home three times and ordered him to appear at the Farm Labor Office in order to sign an affidavit (Ex. AV). Although Mr. de Leon informed the investigator that the Farm Labor Office referred people to substandard jobs and that the Farm Labor Service was not really necessary, no affidavit

from Mr. de Leon was submitted by the State. Affidavits attached to the Protective Order issued by this Court and Exhibits BA and BB show that as much as two hours was spent by other State investigators in the homes of farm workers who submitted affidavits. The total result of these State investigations was that the State submitted so-called counter-affidavits--Felix Guzman Ganoa, Dario Lerma (and the Lerma family), Richard Montalvo, Ricardo Mejia, and Domingo Valdez.

1. Felix Guzman Ganoa

Mr. Guzman's original affidavit stated that he had had bad experience with the Farm Labor Office when he went there to apply for a job [Ex. AA]. In his affidavit submitted to defendants, he stated that he is generally a crew foreman and has had great success using the Farm Labor Office. In his new affidavit, Mr. Ganoz states:

> I am signing this third affidavit to clear up the confusion arising from my first two affidavits. . . What I want to make clear is that I have absolutely no complaint at all about the way the Farm Labor Service Office has helped me in the past get workers for my boss. . .The only problem I ever had was when I went to the Farm Labor Office in January of this year to find a job for myself. As I said in both my affidavits, the only job they referred me to paid only 65 cents a tree to prune large old trees. Because of the condition of the trees, I would not be able to make any money pruning these trees and I thought I could find a better job on my own. [Ex. BL]

2. Dario Lerma and Family

The Lermas and Apolenar Marin both originally filed affidavits stating they had been referred to a grower on two days. The first day there was no work so they lost a full day. The second day they were promised 25 cents a bucket and received only 20 cents. [Ex. X and Y]. In their affidavits to the State Raymond and Ignacio Lerma state they have never been to the Farm Labor Office. They were obviously just frightened by the State investigator's presence. Their father, Dario Lerma, states in his affidavit given to the State investigator that he went to

the Farm Labor Office "with my 4 sons, Ignacio, Raymond, Armando, and Paul." Apolenar Marin, relates in his new affidavit [Ex. BA] that he too was contacted by a State investigator who "became upset by my refusal (to sign a paper)." Marin reaffirms his earlier affidavit and found the actual referral cards proving conclusively the truth of the original affidavits. The referral cards are attached to the Marin affidavit [Ex. BA]. Further corrobation is submitted in affidavits of the VISTA worker to whom the Lermas originally complained and in affidavits of two other farm workers. [Ex. BN and BO]. The Lerma family simply decided it would be best to tell the State investigator what he obviously wanted to hear. [See also Ex. BB].

3. Richard Montalvo 4. Ricardo Mejia 5. Domingo Valdez

These three affidavits submitted by defendants do not contradict the earlier ones they submitted. [Ex. U, V, W]. In any case, Domingo Valdez and Ricardo Mejia have checked and again affirm their affidavits as originally submitted [Mr. Montalvo could not be located]. [Ex. BC and BD].

D. Support for Farm Labor Office Operations

The remainder of the State affidavits relate primarily to so-called affidavits of support. The primary one, Exhibit 17, is from Mrs. R. G. Crabtree, president of the Cuyama Valley Women. It states:

> The women of our community are thankful to the Farm Labor Service for getting us jobs in the planting and harvesting of tomatoes. (Emphasis added).

This is a knowingly misleading affidavit. Mrs. Crabtree is not a farm worker, and, most important, her husband is an official with the company that owns the entire town of Cuyama and most of its agricultural valley (he is an Atlantic-Richfield field manager).

The typical State affidavit is from Pedro Reyes, Ex. 12. All he states is that "during the strawberry season in 1969 [the

Farm Labor Office contacted him] to offer jobs to youth in the summer months." (Emphasis added). Nothing in his affidavit suggests support of the Farm Labor Office. And for good reason. He does not support the Farm Labor Office. See plaintiffs Ex. BM in which Mr. Reyes states that he personally knows that the Farm Labor Office refers workers to bad jobs and that he has read the Fair Employment Plan and believes it to be essential for farm workers.

Even the self-serving State affidavit of its own former Farm Labor Office employee, William Abeytia, Ex. 18, fails to support the Farm Labor Office. Despite the State writing the affidavit, the affiant refused to sign without first making three separate references in his affidavit to the need for the Farm Labor Office to improve its services. See his supplementary affidavit [Ex. BP] in which he reiterates the need for improvement, states his familiarity with the Fair Employment Plan and his belief that the Fair Employment Plan is feasible and necessary for the farm worker.

The State's last affidavit, Ex. 32, Valentin Benitez, fully supports and documents plaintiffs' position that virtually every farm worker is dissatisfied with the Farm Labor Office and wishes it to either be radically improved or closed.[1] Specifically, the affiant merely states that every farm worker at a meeting

---

[1]Before the Court for preliminary injunction is only the question of granting relief which will secure better wages and working conditions for farm workers, as guaranteed by, and pursuant to, federal and State regulations. The Court, therefore, does not at this time have to reach the question of whether farm workers would benefit from the termination of the Farm Labor Office should it continue to refuse to obey its own rules and regulations. However, plaintiffs would like to point out to the Court the following:

a. the President of the second largest strawberry grower in California, and a member of four major California statewide grower organizations, submitted an affidavit stating that: "it is my opinion that all parties concerned would be benefitted by either terminating the Farm Labor Offices or putting them into receivership to be operated and overseen by a committee composed

(footnote continued on next page)

he attended wished the Farm Labor Office to be closed and so affirmed in writing, with the sole exception of himself. And that he refused for only one reason: the American Counsul had previously advised him not to sign any papers because "I could be deported. . .[and I was told] to stay out of trouble." The affiant further states that all signatures were wholly voluntary and that no one suggested that he sign:

> I told someone there that I could not sign the petition because I was an immigrant and did not want any trouble. I have not had any trouble from anyone about this. (Emphasis added).

Footnote 1 continued from p. 28:

of farm workers, growers, and Labor Department officials.

"At present the operation of California Farm Labor Offices primarily benefits only one limited group, those growers who either violate wage and working condition laws or pay the lowest wages. Growers who pay prevailing wages and offer good working conditions generally have no need for the recruitment mechanism of the Farm Labor Office"(Ex. AO, emphasis added).

b. In San Benito County, the farm workers voted 75-0 (ten abstentions) to close the Farm Labor Office because it gives them only the worst jobs. (Ex. C)

c. In Santa Barbara County, seventy farm workers were asked on March 9, 1970 (by a person independent of the plaintiffs or their counsel) to fill out unsigned questionnaires as to whom they believed represented their "interests in getting higher wages and better working conditions, California Rural Legal Assistance or the Farm Labor Service?" No comments were made before the balloting. The results were 70 for CRLA, none for the Farm Labor Service. (Ex. BG)

d. A January, 1970 survey of 125 Imperial County farm workers showed 121 of the workers to be opposed to the Farm Labor Office. (Ex. J)

e. Gilbert Lopez, as President and on behalf of the Mexican-American Political Association of Imperial County, asked CRLA to seek to either reform or close the Farm Labor Office. (Ex. BH)

f. The Trabajadores Adelante, a farm worker organization with vast membership in Santa Clara, San Benito, Santa Cruz, and Monterey counties asked that the Farm Labor Offices be closed (Ex. BF).

g. Paulino Pacheco, a Santa Barbara farm worker, circulated a petition among farm workers to close the Farm Labor Office on February 9, 1970. "Virtually all of the farm workers who saw it signed it immediately and it was full by the next day." (Ex. BG).

///

IV

MISLEADING STATE JOB STATISTICS

In 1966, the State Farm Labor Office allegedly placed 134,975 farm workers. By 1968, despite a 25% decline in agricultural employment and no additional funding, this "job placement" figure rose tenfold to 1,393,810. In 1969 it rose an additional 25% to an alleged 1,714,900; and it is expected to reach two million by 1971. Based upon these "rising" statistics the California Farm Labor Office, despite mechanization and the entrance of billion dollar agri-business corporations such as United Fruit and Purex, maintained its federal funding at 15% of all federal Farm Labor Service funds ($3.5 million for 1969).

The depositions of the defendants unequivocally prove that the statistics are meaningless and misleading. In 1969, 15 of every 16 so-called job placements (1,554,578) were of unknown, unnamed farm workers for whom not even a social security card number was available. (Dep. Tolbert, 87-88; Dep. 24). Of the remaining 1 of 16, employment applications were not taken in a majority of cases, and in many cases the names of the workers are wholly unknown. (Dep. Eisley, 168-172, 184-190, 214-226)

The vast majority (at least 93%) of the jobs are of a duration of 1/2 hour to one day. (Dep. Eisley, 168-172; Dep. Crow, 48-51). At least four hundred thousand (400,000) of the job placements relate to non-Americans (Mexicans residing both temporarily and permanently in Mexico) [Dep. Crow, 104]

One worker could be responsible for 250 job placements a year since "pool placements" are counted each day for each worker even where he works continuously for the same employer (Dep. Crow, 84-86).

If the Farm Labor Office refers one family of six persons to a job and they quit after a half hour due to below minimum wages, they count as six job placements. And if another family

is sent out the same afternoon to the same grower and is fired after a half hour, that counts as six more job placements. And if a different family quits each day due to bad wages and working conditions, each job is still counted. Thus, if the same grower receives a new family of six each day for a twenty day harvest period, the Farm Labor Office considers it 120 job placements (6x20), even though the workers quit due to below minimum wages or absence of toilets. (Dep. Eisley, 214-222; Dep. Crow, 84-86)

All statistics are given the same weight (Dep. Eisley, 167-168). In the Calexico Office alone, for example, 463,000 job placements[1] were secured for 1969. (Calexico's total population is 9,000.) The Farm Labor Office, however, took the names, or has the names, of farm workers in only 530 job placements or in only 1/10 of one per cent of all so-called job placements. (Dep. Crow, Ex. B&C) At least eighty per cent (80%) (368,000) of the so-called job placements were of non-Americans (Mexicans residing in Mexico). (Dep. Crow, 104) And in half of all the job placements (231,000, an employment fee, usually 25 cents per hour worked, was, in effect, deducted from the workers' wages in violation of 20 C.F.R. § 604.1(h), prohibiting any charge to either the employer or the employee. (Dep. Crow, 38,44)

In 1969, the entire statewide Farm Labor Office, according to its statistics, produced only 9,395 real (or regular) agricultural placements and many of these so-called real placements were duplications or consisted of one day or even half-hour jobs. (Dep. Eisley, 167-172, 214-222). The Santa Rosa Office, for

---

[1] Crow admitted that he does not know if all of these persons actually received jobs, since all he does is count the number of persons on the bus without asking their names, before it leaves the Calexico Farm Labor Office. He does not verify actual employment (Dep. Crow, 80; Dep. Tolbert, 87,88)

/////

/////

example, developed only nine new agricultural jobs for the entire year 1969 and did absolutely no counseling, testing or upgrading of farm workers. (Dep. Eisley, 222-224 and attached to Dep. Ex. 2-13).

Thus, 449 State Farm Labor Office personnel, receiving 3.5 million dollars in 1969, produced, assuming the validity of their statistics, only 9,395 real jobs, many of which are duplications or of less than one day's duration. (Dep. Eisley, 225-226). In a real sense, each Farm Labor Office person therefore placed workers on only twenty real jobs a year or 1/10th of a job per working day.[2/]

---

[2]In Gubser v. Department of Employment (Farm Labor Service), 76 Cal. Rptr. 577 (D.C.A.,5, 1969), the court criticised the State defendants' phony and misleading Farm Labor Office statistics. In upholding the dismissal of a California Farm Labor Office official for encouraging inflated, false statistics the court stated:

> "[accurate statistics] would seem to be an inherent duty of supervising...particularly where the Department of Employment, the state government and the federal government all relied upon such reports to carry out the program." (at 580)
>
> "Both the federal and state governments rely upon field worker recruitment and employment records to determine where field offices shall be located, the number of employees necessary to staff the various stations, and the amount of money to fund the project.
>
> "To argue that a supervisor has no duty to see to it that the basic statistics upon which the entire project is grounded are truthful, is to overlook the purpose of the program." (at 579, emphasis added)

V

DEFENDANTS AT DEPOSITION TESTIFY IN EFFECT THAT THEY ARE GROWER-CONTROLLED AND ORIENTED

The plaintiffs, in summary, alleged in their complaint that the California Farm Labor Offices are grower dominated and controlled, are anti-farm worker, depress wages and working conditions and justify their existence through the creation of ballooned statistics. Affidavits of their former employees and a large grower support this. (Ex. A,AO,BP) The depositions of the Sonoma County and Imperial County Farm Labor Office managers substantiate each and every charge.

The Sonoma County manager, for example, testified that:

a. "The primary and major purpose of the Farm Labor Office is to harvest the crops." (Dep. 208)

b. None of his fifteen employees speak Spanish although as much as 60% of the workers speak Spanish only; (Dep. 21-23)

c. All of his primary staff people are growers, refer workers to their own ranches, pay non-minimum guaranteed wages, and may not even have toilets or drinking water; (Dep. 257-261)

d. He meets with growers formally and informally, but neither he nor any staff member has ever met with any farm workers; (Dep. 82, 115-116, 139-141)

e. His office made 695 personal field visits to growers in 1969, but never checked, and never will check or ask these growers, if they provide toilets or drinking water; (Dep. 49-57)

f. His office cannot concern itself with pesticide dangers to workers; (Dep. 156-167)

g. His office has never done any testing or counseling of any farm workers (Dep. 219,222,223) despite federal regulations specifically requiring counseling and testing (20 C.F.R. 604.3 & 604.8);

h. His office has a blacklist of bad workers but does

not record complaints made against growers (Dep. 128-133);

i. Refused to answer as to whether his office would continue to serve a grower even if "1,000" documented complaints were received. (Dep. 135-138)

The Imperial County Manager testified that:

a. Only 265 non-day haul jobs were found for farm workers by the Calexico office in 1969; (Dep. Ex B&C)

b. 80 to 90% of the day-haul activities (dealing with over 98% of the placements) is putting residents of Mexico into U.S. jobs; (Dep. 104)

c. Workers are sent to Arizona on a bus -- 100 miles or more and to Blythe, California -- 118 miles for jobs that cannot last more than one day and may be as little as a few minutes; (Dep. 45,46,84)

d. No counseling is done despite federal regulations. (Dep. 92)

VI

NON-ACTION BY THE FEDERAL DEFENDANTS

The State defendants take the position that plaintiffs' allegations are insufficiently specific and in any event they owe no duty to California farm workers. The federal defendants admit that the State may have a duty, but deny that the federal government, despite its regulations and 100% funding, has any definable duty.

The federal defendants suggest that as a direct result of this lawsuit, they are considering the possibility of considering an investigation of plaintiffs' undisputed charges and that these non-actions: "are expected to be completed within a reasonable period of time at which time the Secretary will make a determination whether to proceed. . . with informal discussions or. . . with notice of hearing." (emphasis added)

The federal defendants fail to mention that the very matter at issue herein was first specifically referred to them on October 22, 1968, and their only response was a perfunctory "thank you for calling this to our attention." And the federal defendants fail to mention that on July 9, 1969, Secretary of Labor Shultz was specifically and formally notified as to the exact matter at issue by the plaintiffs and refused to even send a perfunctory letter of response, despite the threat of litigation if no response was forthcoming.

And the federal defendants fail to mention that their own rules and regulations require them to either reform or terminate any state Farm Labor Office that fails to "maintain an organization and procedures necessary to carry out effectively such policies." (20 C.F.R., §§ 603.4, emphasis added)[1/]

---

[1]These very federal defendants argued strenuously and successfully that they had the necessary power to implement the Philadelphia Plan regulations establishing minority hiring quotas in the construction industry, Contractors Assoc. of

1(Cont'd)
Eastern Pennsylvania v. Secretary of Labor, 38 L.W. 2503 (E.D.Pa. March, 1970). Their suggestion here that they may decide to act in the future belies their argument that they lack the power to do so now. See also Banzhaf v. FCC, 505 F.2d 1082 (D.C. Cir. 1968) upholding the right of the FCC to require anti-smoking TV and radio editorials based solely upon the broad mandate that the FCC should "protect public health."

///

///

///

VII

THIS COURT HAS LEGAL AUTHORITY TO REQUIRE DEFENDANTS TO FOLLOW THEIR OWN RULES AND REGULATIONS

Neither the state nor the federal defendants raise any question relating to this Court's full jurisdiction to hear and decide the issues in this case. Their primary contention is that "defendants have violated no duty owed to the plaintiffs." [Brief, I.A.]

The case is reasonably straightforward. In the preceding section plaintiffs have set out each of the state and federal laws and regulations imposing duties upon the federal and state defendants. The foundation of this complaint is that defendants have ignored these laws and regulations to the detriment of workers and to the unfair benefit of employers. The violations range from permitting middlemen to earn a fee for the service the Farm Labor Office is supposed to provide free of charge to winking at orders which provide less than the minimum wage. The offices have refused to assume any of their statutorily mandated duties to protect farm workers from violation of health laws and pesticide laws. They have been unwilling to set up advisory committees to even listen to farm workers although required to do so and make no less than 30 visits every month in every office to talk with growers. And Farm Labor Office Director Tolbert asserts that defendants will never be willing to just make available to workers a list of job openings to allow a worker to choose a good job for himself. Only government officials totally immunized from judicial review could reasonably claim that this course of conduct breaches no duties owed to workers.

In two closely related cases both a California Superior Court and the United States Court of Appeals have affirmed that the Wagner-Peyser Act and regulations pursuant thereto impose duties upon the state and federal defendants.

In Munoz v. State Department of Employment, Sac. Sup.Ct. # 191631, (July 1969), these same state defendants argued that they had no responsibility for enforcement of health and sanitation laws and could not be required to check field conditions before referring a farm worker to a job. The Court held that the regulations do create such a duty and that the Department could not penalize a worker who refused to report to a job which had not been checked for health and sanitation compliance.

In Gomez v. Florida State Employment Service, 417 F.2d 569 (5th Cir. 1969) Chief Judge John R. Brown stated the question to be "whether [farm] workers have rights and remedies under which they can get relief in Federal Courts when they are deprived of the protection and benefit of the wages and working conditions promised by the [Wagner-Peyser] Act and regulations by state officials--state officials charged with the protection of the worker's interest." The Court held that the Act does vest farm workers with the right to bring civil actions against both governmental and private defendants to secure enforcement of rights--

> They seek to protect their right to decent housing and sanitary living conditions so they and their children may be free of disease. They seek to protect their ability to work for the wages which Congress has in effect determined to be the minimum to which they are entitled. They seek sanction for having been deprived of some of those few protections designed by Congress to lift them out of economic-sociologic peonage. Such fundamental, highly personalized rights are just the stuff from which § 1983 claims are to be made. Id. at p 579. 1/

---

[1]Defendants urge that Gomez is distinguishable because it dealt with interstate commerce. In the first place there is direct testimony that this case deals with interstate and international commerce. Practically every day of the year workers are sent from the Calexico day haul to Arizona on buses. (Dep. Crow, 45) Three affiants testify they were sent from Imperial County to Illinois [Ex. K], Minnesota [Ex. M], and Washington [Ex. L]. Pat Crow testified that 400,000 residents of Mexico are referred to California jobs each year by his office alone. [Dep. Crow, 104] Further, it is clear that even farm labor placement activities in the 89 California offices which concern jobs wholly within

An analogous situation was presented in Western Addition Community Organization v. Weaver, 294 F.Supp. 433 (N.D.Calif. 1968). The court restrained a Redevelopment Agency from proceeding with displacements of local residents pursuant to an urban renewal program until the Agency had submitted to the Secretary of Housing and Urban Development a satisfactory relocation plan which was approved by the court. In response to the argument that the granting of the injunction would mean that the court was attempting to administer the complexities of urban redevelopment, the court pointed out:

> Our decision simply means that the court can and should see to it that the Secretary complies with the requirements of the federal statute, and his own regulations, not merely in form but in substance, and that the administrative discretion vested in him by law is not arbitrarily abused, as in this case, but is reasonably exercised with some substantial basis in fact to support it. Such is the traditional function of the court upon review of administrative action of the kind here involved. Id. at p. 441.

Defendants here have made a similar argument to that in Western Addition, Supra--that this Court cannot review the practices of the Farm Labor Service because to do so would be to "supervise" the operation. They cite for this proposition Brown v. Board of Trustees of La Grange Independent School Dist., 187 F.2d 20 (5th Cir. 1951). In that case, decided three years before the United States Supreme Court decision in Brown v. Board of Education, the court refused to review the operation of a local school district. It hardly needs extensive analysis of more recent cases to demonstrate that this reluctance on the

---

1 (Cont'd)
California nonetheless affect interstate commerce. In any event, however, the applicable laws and regulations which defendants have violated apply without regard to interstate or intrastate impact.

/////

/////

part of the courts has been overcome in the last twenty years.[2/]

It is clear that courts have not hesitated to fashion appropriate relief when a governing body or a public or private agency refuses to act to protect health, safety, and rights accorded citizens by law. One of the most striking examples is in the area of prison reform where courts have been reluctant to review practices by penitentiary systems, parole boards, and other agencies responsible for incarceration and rehabilitation of convicted criminals. Nevertheless, when prisoners in two Arkansas prisons made showings that the prison system failed to provide rehabilitation and operated in a fashion which militated against their reform, the court ordered appropriate relief. The relief was immediate and sweeping:

> Respondents will be ordered to made a prompt and reasonable start toward eliminating the conditions that have caused the court to condemn the system and to prosecute their efforts with all reasonable diligence to completion as soon as possible. The lives, safety, and health of human beings, to say nothing of their dignity, are at stake. The start must be prompt, and the prosecution must be vigorous. The handwriting is on the wall, and it ought not to require a Daniel to read it. Unless conditions at the penitentiary farms are brought up to a level of constitutional tolerability, the farms can no longer be used for the confinement of convicts....
>
> At the moment respondents will be ordered to submit to the court and to counsel for petitioners not later than April 1 of this year a report and plan showing what, if anything, they have done up to that time to meet the requirements of the court, what they plan

---

[2]See, e.g., Board of Public Instruction v. Braxton, 326 F.2d 616 (5th Cir. 1964), in which the Court of Appeals affirmed a district court holding requiring court approval of plans for faculty assignment, budget allocations, actual spending, employment contracts, construction projects, curricula, and other policies and programs. In Kelley v. Altheimer, Ark. Public School Dist. #22, 378 F.2d 483 (8th Cir. 1967) the court sets out a plan of operatio the school is required to follow, including filling of vacancies, salaries, construction equalization and transportation. See also, Sanders v. Ellington, 288 F.Supp. 937 (M.D. Tenn. 1968); United States v. Cook County School District #151, 404 F.2d 1125 (7th Cir. 1968).

///

///

to do, and when they plan to do it.

If the initial report is approved, the court may require additional reports from time to time and may require specific information in certain areas. If the initial report is not approved, it will then become necessary for the court to consider what specific steps it will take to implement its declarations... Holt v. Sarver, 38 L.W. 2463 (D.C. Ark. Feb., 1970) 3/

---

[3]Some other areas in which courts have acted in granting similar affirmative relief are as follows:

1. Rate Setting--ICC v. Aberdeen RR, 393 U.S. 87 (1968)[the Supreme Court reversed an ICC decision relating to computation of rail freights and directed different calculations using comparative cost instead of territorial average cost, and required determinating on commuter deficits, interchanging cars, and empty freight car return ratios to be handled differently. The Court quotes from Burlington Truck Lines v. United States, 371 U.S. 156, that administrative expertise must not be allowed to become "a monster which rules with no practical limits on its discretion . . .We cannot bridge the gap by blind reliance on expertise which in this instance would be a mere assertion that no difference means a substantial difference." (at pp. 92 and 95)]

2. Housing--Gautreaux v. Chicago Public Housing Authority, 37 L.W. 2482 (Feb. 10, 1969)[Text of court's order not set out with opinion reported at 296 F.Supp. 907] [Low-income residents of Chicago brought suit against the City of Chicago to enjoin site locations and waiting list requirements which were out of compliance with law. The detailed Court Order requires the Housing Authority to build 75% of all new public housing in specified areas of the city, requires 700 new houses in one area before any building elsewhere, and requires in 30 days submission of a plan setting out new tenant policies.]

3. Employment--Asbestos Workers v. Vogler, 407 F.2d 1047 (5th Cir. 1969) [To deal with future hiring practices the Court further "ordered the development of objective, trade-related membership criteria and procedures, excluding as criteria relationship to or recommendation by present members or other persons employed in the trade, and excluding also any membership vote. The order additionally required Local 53 to objectively determine the size of its membership with reference to the number of skilled asbestos workers reasonably calculated to meet present and future industry needs in its geographic area.]

4. Reapportionment--Connor v. Johnson, 265 F.Supp. 492 (S.D. Miss. 1967 3-judge court), aff'd 386 U.S. 483, 87 S.Ct. 1174 (1967). ["There is no alternative. . .The equity powers of this court must be exercised and we must proceed to order a reapportionment . . .After exhaustive deliberation, including the consideration of all reasonable alternatives which have occurred to us, we now proceed to lay out districts for the election of Senators and Representatives in the Mississippi Legislature so that the 2,178,141 inhabitants will as nearly as possible be equally represented in compliance with the one man one vote principle. . . Id. at p. 494.]
Chavis v. Whitcomb, 38 L.W. 2104 (S.D. Indiana July, 1969). [The court struck down multi-member districts, holding that large

Farmworkers have long been the most neglected employee group in the United States, excluded from benefits now thought to be automatic by most Americans. It is particularly distressing when protection is given them--as by the Wagner-Peyser Act--and State and Federal officials not only refuse to enforce the law, but also adopt practices which serve only to depress wages and working conditions.

We respectfully urge this Court to enter the order as prayed for.

Dated: April 16, 1970

Respectfully submitted,

GLICK, GNAIZDA, REYNOSO
MC CABE, YEGHIAYAN, ABASCAL,
ALTSHULER, BRENNAN, DELEVETT,
FRETZ, LIVINGSTON, POWELL,
YNOSTROZA, and WILSON

By _____
Martin R. Glick

By _____
Robert L. Gnaizda

---

3 (Cont'd.)
ghetto areas in Marion County, Indiana must be separately represented even though the multi-member districts technically accorded one-man, one-vote representation. The Court asked the Governor to call a Special Session of the Indiana General Assembly to draft districts in compliance with the Court's opinion.]

5. Zoning--In re Girsh, 38 L.W. 2465 (Pa. S.Ct. Feb. 1970) [The court required that the city zoning law include permission for construction of apartments.]

6. Police Assignments--Baker v. St. Petersburg, 400 F.2d 294 (C.A. 5, 1968) [Black and white police officers reassigned by court due to past situation where black officers policed black areas only.]

7. Fair Labor Standards--Fagot v. Flintkote, 38 L.W. 2265 (E.D. La. 1969) [In spite of Fair Labor Standards Act provisions setting out certain remedies and not mentioning any civil action remedy for employees, the court held as a matter of equity that such civil action should be permitted in the public interest.]

///

///

Attachment A

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

250 FARM WORKERS, et al., Plaintiffs, vs. GEORGE SHULTZ, U.S. SECRETARY OF LABOR, et al., Defendants.	)	CIVIL ACTION NO. C-70 481 AJZ PROPOSED ORDER

The matter having come on regularly for hearing on April 22, 1970, Martin R. Glick and Robert L. Gnaizda appearing for plaintiffs, William Bradford, appearing for State defendants and David R. Urdan appearing for federal defendants; and good cause appearing therefor,

IT IS HEREBY ORDERED that defendants be restrained and enjoined during the pendancy of this action from:

A. Refusing (1) to require and record on each employer order form information concerning health and sanitation facilities and pesticide use at the job site, (2) to post in a conspicuous place this information along with information concerning wage offered, anticipated job duration, and the approximate location of the job, and (3) to reject any job order out of compliance with law.

B. Refusing to verify wage and working condition information received from employers by checking these conditions during routine field visits, by declining to serve employers

found out of compliance with law, until the unlawful condition is corrected, and by developing a plan to suspend service to employers found to be repeated violators.

C. Providing any service to farm labor contractors or other persons who receive any fee or charge for providing workers to another.

D. Accepting any order listing a wage below the prevailing wage, including any piece rate order which does not guarantee that each worker placed will receive no less than the prevailing wage.

E. Refusing to form a state advisory council and advisory councils in local communities served, such committee to be fairly and equally representative of the interests of both farm employers and employees.

F. Refusing to require minimum job durations and pay on orders placed, depending upon the nature of the order, but not to be less than 8 hours on pool placements and one week on regular jobs which are not cancelled by the employer prior to the time the referred employee arrives at the job site.

Dated:

United States District Court Judge

ATTACHMENT B

SUMMARY OF PLAINTIFFS' SEVENTY-THREE EXHIBITS

Set forth below are brief summaries of plaintiffs' exhibits, almost all of which are affidavits. (A star (*) is affixed to any that are not affidavits.) The summary begins with those thirty-three exhibits submitted subsequent to the filing of defendants' briefs, and ends with those forty exhibits previously submitted with the Complaint and Order to Show Cause.

Ex. AO: Affidavit from California's second largest strawberry grower contending that only growers that violate the law or pay poor wages use the Farm Labor Office and asking for either the termination of the Farm Labor Office or for joint grower-farm worker control.

Ex. AP: Affidavit from a Catholic Priest, in disguise, that one month ago (March 19, 1970) he personally investigated the Salinas Farm Labor Office and was referred to a large grower who did not provide toilets or drinking water and that the bus in which he was transported with nineteen women and men was a dangerously defective bus.

Ex. AQ*: Farm Labor Office leaflet dated February, 1970, given to farm workers. It unequivocally promises seventeen guarantees as to working conditions and unequivocally tells the worker to complain to the Farm Labor Office if dissatisfied.

Ex. AR*: 1968 Typhoid Fever outbreak among farm workers in Imperial County due to many of the fields in Imperial County "not complying with the health and safety code regulations. . . Typhoid is transmitted by feces and urine, Singh [Defendant's Sanitarian, see Def. Ex 9] explained. Unclean hands brought about by lack of facilities in the field will . . . [transmit] the typhoid," (March 25, 1968, statement of Singh).

Ex. AS: Sworn testimony of specialist in epidemics that the absence of toilets causes typhoid fever, hepatitus, etc., and "could give rise to epidemic spread of disease," and "constitutes a grave potential danger to the health of the consumer."

Ex. AT: Sworn testimony of Monterey-Salinas physician that the "absence of toilet and hand-washing facilities for field workers picking fruit and vegetable crops constitute a potential health hazard to the eventual consumer" and to the field workers.

Ex. AU: Sworn testimony of the senior physician for the Monterey County (Salinas) Hospital that the absence of toilets and proper drinking water can result in the transmission of typhoid fever and tuberculosis.

Ex. AV: Affidavit of Santa Clara farm worker harassed by State investigator. Visited three times at home and ordered to appear at Farm Labor Office to sign affidavit which he did while affirming his objection to Farm Labor Office.

Ex. AW: Affidavit of Imperial County Sanitarian contending that he is understaffed and that the ideal agency to enforce field

conditions is the Farm Labor Office.

Ex. AX: Affidavit of Stanislaus County Sanitarian stating that the Farm Labor Office has the expertise to enforce, and is the ideal agency to enforce, field conditions.

Ex. AY: Affidavit of California sanitarian stating that the Farm Labor Office is the most appropriate agency for the enforcement of field sanitation laws.

Ex. AZ: Sworn testimony of Imperial County field foreman and bus driver that he is permitted by the Farm Labor Office to pick up workers despite driving his bus in violation of State safety requirements -- no brakes -- and that he was fired for complaining about unsafe buses.

Ex. BA: Affidavit of Kings County farm worker confirming his prior affidavit as to being referred to unlawful jobs by the Farm Labor Service, documenting such referrals by attaching State referral card, and alleging that the State investigator became angered when he asked for permission to contact his lawyer (CRLA) and even after such request to contact his lawyer the State investigator insisting on his signing an affidavit without an attorney being present.

Ex. BB: Affidavit setting forth anxiety and confusion caused to Kings County Spanish-speaking farm worker by State investigator.

Ex. BC: Affidavit of Madera farm worker stating that despite the State investigator, everything he previously stated as to the Farm Labor Office's bad jobs is true and he so informed the investigator.

Ex. BD: Affidavit of Madera farm worker stating that despite the State investigator everything he previously stated as to the poor conditions offered by the Farm Labor Office was true and he so informed the investigator.

Ex. BE: Affidavit of Santa Barbara resident Miguel Canas that he took an independent survey of local farm workers and all favored CRLA to represent them in getting decent wages and working conditions (70 for CRLA, none for Farm Labor Office).

Ex. BF: Affidavit of President of four-county farm worker group stating that his organization in February, 1970, complained about the Farm Labor Office and asked CRLA to file suit to close the Farm Labor Office.

Ex. BG: Affidavit of Santa Barbara farm worker stating that he circulated a petition in February, 1970, to abolish the Farm Labor Office and that virtually every farm worker he showed it to eagerly and immediately signed it.

Ex. BH: Affidavit of President of Imperial County Mexican-American Political Association asking in February, 1970, for CRLA to force the Farm Labor Office to provide decent jobs or to have it done away with.

Ex. BI: Cannery-Grower contract requiring full list of pesticides used, including dates, locations, quantity and type.

Ex. BJ: Affidavit of Imperial County farm worker stating that the Farm Labor Office refers him to out-of-county jobs at wages less than promised and under false working conditions.

Ex BK — Sworn testimony of community worker that 1-2 bins of apples is the most that a good worker can pick off the ground in an 8 hour day, thus yielding a maximum pay of $1.00 an hour per worker.

Ex BL — Affidavit clarifying two previous affidavits, one for plaintiffs and one for defendants. The affiant had "absolutely no complaint" when using the Farm Labor Service as an employer, but did have a problem when he was seeking a job for himself.

Ex BM — Affidavit of Latin American Social Organization president stating that his affidavit for defendants that the Farm Labor office helps youth was correct but stating that adult workers have trouble getting decent jobs from the Farm Labor Service.

Ex BN — Affidavit of VISTA worker from Connecticut independently verifying the truth of the original Lerma and Marin affidavits which defendants sought to cloud.

Ex BO — Affidavits of two farmworkers corroborating original Lerma and Marin affidavits and Exhibit BN.

Ex BP — Exhibit of Farm Labor Office employee who filed affidavits for defendants endorsing as workable and desirable sections of the "Fair Employment Plan" sought by California farm workers.

Ex BQ — Affidavit of farmworker referred by Farm Labor Office staff to ranch owned by Farm Labor Office staff. The job was inadequate pay and insufficient work.

Ex BR — Affidavit of farmworker referred to ranch owned by lady in Farm Labor Office who sent him there. He found no work available when he got there.

Ex BS — Affidavit of farmworker sent to non-existent job. The farmworker complained and was told by the Farm Labor office manager that he was a "trouble maker" and was blacklisted.

Ex BT — Affidavit of Napa County farmworker referred to $9.50 a bin job and paid only $7.50. There were no toilets or drinking water.

Ex BU — Affidavit of investigator checking on Ex BT, above, and finding no toilets or drinking water and finding that grower was still promising $9.50 per bin.

Ex BV — Affidavit of community worker-investigator that most of Farm Labor Office staff members were farmers and requirements of job guarantee they will always be farmers.

SUMMARY OF PLAINTIFFS' PRIOR FORTY (40) EXHIBITS
(All of Which Are Affidavits, Unless Noted By a *)

Ex A — Frank Valenzuela, former Farm Labor Office employee and farm labor contractor, setting forth specific allegations that Farm Labor Office is grower-controlled, anti-farm worker and should be closed or radically reformed since it presently depresses wages and working conditions.

Ex B — The Fair Employment Plan.*

Ex C — Farm worker President of Plaintiff San Benito Consumers' Coop, setting forth 75-0 vote by farm worker membership "to close the farm labor office because of its failure to serve farm workers."

Ex D — List of 250 farm worker plaintiffs from ten California counties.*

Ex E — Santa Clara farm worker alleging Farm Labor Office referred him to non-existent jobs and to jobs in violation of state laws and refused to honor his complaints about these non-jobs.

Ex F — Santa Clara farm worker being referred to large company 1,000 miles from home, being paid one dollar an hour, complaining to Farm Labor Office and being told by it that "Salinas Strawberries was very strong; that the Farm Labor Office couldn't do anything [and] that Salinas Strawberries had many lawyers and could put us in jail."

Ex G — Santa Clara farm worker referred to non-existent jobs by the Farm Labor Office,

Ex H — Mexican-American documentation of Salinas Farm Labor Office' refusal to provide drinking water or usable toilets to its day haul farm workers, representing 90% of all job placements.

Ex I — Mexican-American documentation of 1,869 health and sanitation violations by growers using the Salinas Farm Labor Office.

Ex J — Imperial County farm worker study of 125 Imperial Farm Labor Office referrals. Ninety-five per cent of workers referred to growers who refused to provide toilets. Only 3% of the 125 workers felt the Farm Labor Office ever tried to assist them; all demanded changes and many reported being laughed at or abused when they reported violations to the Farm Labor Office.

Ex K — Imperial farm worker and forty others sent 2,000 miles to a 1969 Green Giant Co. job at 36 cents an hour and being laughed at when he complained to Farm Labor Office.

Ex L — Imperial farm worker being referred in 1968, 1,000 miles to a non-existent Green Giant job, complaining to Farm Labor Office and being threatened "to send me to jail" if I did not "stop saying such things."

Ex M	Imperial farm worker being referred, in 1967, with 260 male and female workers, 1,500 miles to a non-existent Green Giant job, complaining to Farm Labor Office but "they didn't pay any attention to me."
Ex N	February 11, 1970 statement by Farm Labor Office supervisor that primary purpose of Office is to harvest the crops.
Ex O	Sonoma County Growers Association (350 members) allegation that Farm Labor Office "was being run very inefficiently."
Ex P	Santa Rosa Farm Labor Office manager states that all of the men working for him had "grower backgrounds."
Ex Q	Sonoma Farm Labor Contractor's allegations that the Farm Labor Office produces phony, inflated job statistics and that it should be closed.
Ex R	Sonoma farm worker referred by the Farm Labor Office to a job paying fifty cents an hour.
Ex S	Napa community worker allegations that farm workers receive the lowest wages on jobs secured through the Farm Labor Office.
Ex T	Napa community worker alleging Farm Labor Office referrals of workers to growers who do not provide toilets or drinking water.
Ex U	Madera farm worker referred to non-existent jobs by Farm Labor Office.
Ex V	Madera farm worker treated discourteously by Farm Labor Office, and referred to growers who do not provide toilets or drinking water and pay less than the promised wage.
Ex W	Madera farm worker referred to growers who do not provide toilets or drinking water.
Ex X	Kings County farm worker family referred to non-existent job 125 miles away and to grower who paid 20% less than promised wage and Farm Labor Office refused to take any action.
Ex Y	Kings County farm worker referred to non-existent job, to a job at substantially less than promised wage, and to growers who refuse to provide toilets.
Ex Z	Los Angeles farm worker referred, with 36 other farm workers, to job 100 miles away, received only 3 hours work and told no work available next day.
Ex AA	Stanislaus County farm worker referred to job paying 65 cents an hour and grower had no toilets or drinking water.
Ex AB	Stanislaus County farm worker referred to job paying 35 cents an hour and complained to Farm Labor Office and told "they had no other jobs."

Ex AC — Stanislaus County farm worker never referred to a job where grower had toilets or drinking water and finds best jobs on his own.

Ex AD — Stanislaus County farm worker never given choice of jobs and always referred to jobs without toilets or drinking water.

Ex AE — Stanislaus farm worker referred to substandard jobs and denied a choice of jobs.

Ex AF — Yuba community worker allegations that Farm Labor Office refuses to even telephone grower to check on toilets and refuses to provide a choice of jobs.

Ex AG — Santa Barbara community worker allegations that Farm Labor Office refuses to check or verify working conditions.

Ex AH — Santa Barbara farm worker refused job as janitor by Farm Labor Office, forced to accept substandard farm work, and requesting the termination of the Farm Labor Office.

Ex AI — Santa Barbara farm worker referred to jobs without toilets or water and to the worst jobs.

Ex AJ — Santa Barbara farm worker referred to the worst jobs by the Farm Labor Office and alleging he gets better pay whenever he finds jobs on his own.

Ex AK, AL & AM — Letters of February, 1970 to local Farm Labor Offices requesting information on toxic pesticide use by growers: Farm Labor Office refused to provide any information.

Ex AN — Salinas Valley community worker informed by Salinas Farm Labor Office that working conditions, such as toilets and drinking water or length of job, were not a matter of concern to the Office, and were a matter solely between the worker and the employer.

IN THE U.S. District COURT
~~OF THE STATE OF CALIFORNIA IN AND FOR THE~~
~~COUNTY OF~~ FOR THE NORTHERN DISTRICT OF CALIFORNIA

250 FARM WORKERS, et al.,
plaintiff,

vs.

GEORGE SHULTZ, U.S. SECRETARY OF LABOR, et al.,
Defendant

No. C-70 481 AJZ

PROOF OF SERVICE

I am a citizen of the United States and a resident of the county, ~~aforesaid~~; of San Francisco; I am over the age of eighteen years and not a party to the within above entitled action. I served the within REPLY BRIEF AND SUPPLEMENTAL REPLY AFFIDAVITS IN SUPPORT OF APPLICATION FOR ~~PRELIMINARY~~ INJUNCTION
(Here insert name of paper served)
in this action by personally delivering to and leaving with the following persons in the county of San Francisco State of California, on the date set opposite their respective names, a true copy thereof, to-wit:

Name	Place	Date
David R. Urdan	450 Golden Gate Ave., Room 16201, SF	April 16, 1970
William Bradford	6000 State Building, SF	April 16, 1970

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.*

Executed on April 16, 1970 *(date)* *at* San Francisco *(place)*, *California*

Elaine M. Forester
(Signature)

ATTORNEYS PRTG. SUPPLY FORM NO. 14 **proof of service forms, being signed under penalty of perjury, do not require notarization.*

Mr. GNAIZDA. I would just like to preface my remarks with one comment.

It is a nonpartisan attack. The attack is institutional rather than personal. I think Secretary of Labor Wirtz failed and I think Secretary of Labor Shultz is failing in his ability to deal with the problem of migratory workers. I have submitted prepared testimony, but I would like to depart from the prepared testimony in large measure, although I will restrict myself to the theme of the prepared testimony.

Basically my theme is that the migrant farmworker would be better off without present so-called Government assistance. The Farm Labor Service, which is 100 percent funded by the Federal Government at the rate of $21 million a year, is an example of the worst type of benign neglect. I am not even sure it is benign neglect of the migrant. It seems to me it is unrealistic to ever assume they any so-called neutral program can be successful when it attempts to help a powerless group.

But what you have in the present situation is a very powerful group, the growers, competing for the favors of the Farm Labor Service with the most powerless group; and of course the most powerless group has failed to compete successfully. What has occurred is what has occurred with virtually every Federal agency. It has become the captive of one side of the struggle.

Unfortunately the Farm Labor Service is far worse. It has not only been captured by the growers, it is totally run by the growers almost exclusively for their interests.

So, the Farm Labor Service instead of eliminating or minimizing the powerlessness of the migrant, and instead of eliminating his poverty or minimizing it, in a sense accentuates the powerlessness of the migrant and perpetuates his poverty.

I notice, Senator, in your prepared remarks of yesterday that there was a quote from "The Grapes of Wrath" about the farmworkers' conditions. I think it is exactly parallel to today with one exception, and a frightening exception. That is that the grower now has the backing of the wealthiest, most powerful corporation in America, the Labor Department and the Federal Government, in his struggle with the farmworkers.

Senator, you mentioned the plight of American Indians. I think there is a parallel here with the migrant farmworker. The Farm Labor Service in a sense is the migrant's BIA, or Bureau of Indian Affairs. The only difference, however, is it is far worse. I would liken it to a migrant BIA, the people the migrant is supposed to be protected from are running that service and they have been running it very successfully.

In the last 15 years they have taken a quarter of billion dollars of American taxpayers' money and they deprived the migrant worker of at least $1 billion in lost wages, because the effect has been to depress wages and working conditions.

I would like to focus on tha Farm Labor Service because I think it illustrates the disparity between the rhetoric we have heard this morning and yesterday and the reality of the situation. There are four fundamental interrelated problems which I would like to briefly deal with.

First is the breakdown of President Nixon's theme of law and order, and the breakdown is by the Government itself. The Labor Department today is breaking almost every single one of its own rules and regulations intended to protect the migrant worker. I would like to develop that a little later.

Secondly, the Labor Department Farm Labor Service statistics call into question all statistics which are being used for the projected needs of the migrant worker and to assist the migrant worker. Yesterday, Senator, you and Senator Murphy dealt with statistics and discovered there is no basis for many of them. I would like to show that not only is there no basis for them, but many of them are deliberate frauds in an effort to continue funding at the present level.

Thirdly, I think the operation of the nationwide Farm Labor Service illustrates the unlikelihood of the Government upgrading jobs for migrants or training migrants for industrial jobs. However, my personal view is that the migrant is well equipped to deal with mechanization, if the Government would treat him in a less paternalistic way.

I think the migrant is ready and well equipped to take over mechanized jobs. Unfortunately our society is unwilling to give him that opportunity. I do not think the problem is inadequate training. I think it is totally inadequate specific opportunity.

I think the most tragic point that the operation of farm labor service calls into question is the very question you have just raised, Senator, the very role of the Government in assisting those without power. I think history illustrates that those without power are unlikely to ever receive it through the graciousness of government. It is only if they have power that they will be able to successfully deal with their problems.

I think the postal workers example that you just mentioned certainly illustrates this. I would like to briefly analyze the statistics used by farm labor service.

One would assume the farm labor service statistics would be the most accurate of any government agency because the farm labor service actually deals with migrants, unlike the Agriculture Department. I think the farm labor service's failure to provide adequate statistics isn't due to merely inexperience or inertia. I think it is due to active and willful indifference.

In 1966, for example, the statewide California farm labor service alleged that it placed 134,795 workers on jobs. In 1968 this figure, according to California farm labor service statistics, rose tenfold, or 1,000 percent; they alleged they placed 1,393,000 workers on jobs. This occurred despite a 25-percent decline in agricultural employment in California and it occurred despite any increase in funding of the farm labor service. And it occurred despite the fact, I might add, that, including migrants, at no point in California at any time of the year are there as many as even 300,000 farmworkers.

In 1969 the bureaucracy's statistics continued their meteoric and unexplained rise. There was a 25-percent rise in statistics in 1969, even though agricultural employment declined another 10 percent: it rose to 1,714,000 jobs placed by the California Farm Labor Service.

They did not receive any additional funding, however. Apparently they are in competition with all the other farm labor services throughout the Nation, which are also increasing their statistics.

Funding is based exclusively on statistics, not on quality of the job, not on length of job, not on wages paid.

We expect by 1971—California Rural Legal Assistance—that the figure will be over 2 million. And there is no reason, Senator, none at all, to believe that by 1984, no matter what happens with mechanization, that the figure will not be over 10 million.

Senator MONDALE. Do you predict there will be a 1984?

Mr. GNAIZDA. I predict that will be the last year.

I would like to briefly analyze the quality of statistics, because they are far more alarming than what I would say are these somewhat inflated statistics.

The farm labor service admitted in sworn testimony that 15 out of every 16 of its 1.7 million job placements were of unknown, unnamed farmworkers. That is, 1,554,578 of their placements in 1969 were of workers whose names they did not know. They don't know the sex of the worker; they don't know his age. They don't know his social security number. They don't know his first or last name and they do not even know what nation he comes from.

The remainder, the one in 16 remainder, are called quality placements, but they admitted in sworn testimony that in about half the cases they don't even take an employment application of the worker. They may have his social security number, although they may not for other members of his family, and each member of the family is treated as a different statistic and treated as a quality placement.

Second, the farm labor service admitted that in at least 15 out of every 16 job placements, the maximum duration of the job is 1 day and in many cases is just a half hour. It also admitted, to our great surprise, and to the Senators' great interest in the light of the border problem, that one in every four placements, or well over 400,000 placements, were of non-Americans. That is, Mexicans living in Mexico, both temporarily and permanently, who came across the border to get a job.

I will later on mention how that is done, primarily through one office. The farm labor service also admitted—and I think this prevails throughout the Nation—that one worker—you mentioned the migrant worker does not count at all, that is not true as far as farm labor service is concerned—really counts.

His only major contribution to this Government is a statistic and they admitted that one farmworker can count for 250 different job placements a year, which means over a lifetime he can be responsible for 5,000 or 6,000 job placements. And if he has a family of five, he may be responsible for 20,000 job placements.

Every single day a farmworker goes out on a day haul, he is counted as a separate statistic, even though he goes to exactly the same grower. So, 15 out of every 16 of the Farm Labor Service statistics do not even refer to different workers and that is how we can explain the fact there are more placements than there are workers, because the placements do not relate to workers. They are just a statistic.

It was also admitted, for example, that even one grower can make a major contribution to the Farm Labor Service. He can be responsible for thousands of placements a year, even though he may only hire 10 or 20 workers or although he may not be covered for unemployment insurance, because he has less than eight workers for 26 weeks.

When a father of a family of six gives his name and is sent out to a job by Farm Labor Service at 8 a.m. in the morning, that is counted as six placements, even if the farmworker quits in a half hour, because the grower lied to him about the wage. If the grower then calls the Farm Labor Service and says, "I need six workers," the Farm Labor Service will send another six workers that morning and that will count as six more placements. If those six quit because the grower lied about the wages again, the Farm Labor Service admitted it would send another six workers that would count as six more placements.

It also admitted over a 20-day period many growers might receive six different workers each day, because the farmworker is unhappy with the job and 6 times 20 is 120 job placements. The Farm Labor Service says every statistic is treated equally.

No statistic is treated differently than another. I only wish, of course, that the same could be said for the farmworker and the grower.

I think the Calexico border town office in Imperial County illustrates the problem. It has a population of 9,000. Nevertheless, it contributes more to the California Farm Labor Service statistics than any other city. It produced 463,000 job placements last year; 80 percent of them were of non-Americans. They were Mexicans residing in Mexico both temporarily and permanently who crossed the border each day.

But the Farm Labor Service said they do not know if they ever got to the job, because they do not count them when they get to the job. They count them when they get on the bus. Frequently the bus may break down, but the Farm Labor Service says it does not have the personnel to check and see if the bus breaks down. So they just count them on the bus for administrative convenience.

Senator Mondale. These Farm Labor offices on the Mexican border, like Calexico in southern California, and in Texas, every morning count the number of people coming across that bridge to get on trucks, buses, and ship them up north, and each one of those are employment figures, and later reflected in Labor Department statistics?

Mr. Gnaizda. That is correct.

Senator Mondale. I assume many of those people coming across the border go to the same farmer every day, but every morning it is a new placement?

Mr. Gnaizda. That is correct. We know they go to the same farmer in Imperial County. Imperial County is now the richest agricultural county in the Nation, but it only has 600 farmers. They have varying crops, so on any one day the Farm Labor Service probably sends workers out to 30 or 40 growers.

The Farm Labor Service there stated that they know the names of only one-tenth of 1 percent of all the workers they referred out to job placements in 1969. In other words, they had the names of 530 of 463,000 job placements. That is all they had.

Very interestingly, a fee is charged to these farmworkers. The Farm Labor Service permits farm labor contractors to act as middlemen to charge a fee to growers who get Farm Labor Service farmworkers. A fee is charged in approximately one-half of the cases. This operates in the following fashion.

A farm labor contractor brings a bus to the Farm Labor Service day haul center. He might bring two or three buses and load them up with migrant workers. Say he has 80 on two buses. He drives to the grower and produces the workers for an 8-hour day.

The grower pays 25 cents a head per hour. So that for each farmworker the farm contractor gets $2 times 80 workers, or $160 a day. This is prohibited by Federal law. It is very specific. No person may use the Farm Labor Service if he charges a fee to either the employer or the employee. Nevertheless, the Farm Labor Service admitted, and they said they see nothing wrong with it, that farm labor contractors charge a fee.

They have some other interesting statistics to bolster the need for the Farm Labor Service. And I think the statistics are impressive. The only thing I can say is I do not understand how with only 2,000 staff members in the Nation they are able to keep all these statistics. They have a statistic called office contacts. In one little branch office in Healdsburg, Sonoma County, in August of 1969 the office produced 4,900 office contacts. They produced only four regular jobs, but 4,900 contacts and 1,000 job referrals.

We asked them what that meant by an office contact. Jestingly I said, "What if someone came in who was not a farmworker and he was lost and said where is the restroom? Would you count that as an office contact," and they said, "Yes, because it took up office time."

I did not ask this question, but presumably if the mailman came and delivered letters—need I say any more? It was very interesting that despite the statistics (despite the great increase from year to year from 134,000 in 1966 to 1.3 million in 1968 to 1.7 million in 1969) the Farm Labor Service in California proudly states that it did not produce one counseling or one testing statistic.

No farmworker in California is given any counseling or any testing. Under every category where it says "counseling" or "testing," they list absolutely zero.

But there is an explanation for it. Despite the Federal regulations, and there are four of them and they are very clear, stating that you have to receive counseling and you have to receive testing if appropriate, the Farm Labor Service has an excuse. I think it is a fairly interesting one.

Since they do not have Spanish-speaking personnel in some of the offices, it would not do any good. In the Santa Rosa office they have 15 employees; 60 percent of the people coming in speak Spanish. None of the 15 in the office can speak Spanish.

Senator MONDALE. Where is this, where 60 percent of them are Spanish speaking?

Mr. GNAIZDA. In Sonoma County, Napa County north of San Francisco. There are plenty of Mexican Americans in those counties and many are resident and many speak Spanish.

The manager said he knew how to say "Yes" and "No" in Spanish. We did not test him on that. He has only been there for 26 years.

Incidentally, that office, according to the testimony of the manager, is absolutely perfect. We asked him if there was any room for improvement of any kind and he said "None." We asked him if he had been criticized by anyone above or below him and he said "Absolutely never."

In summary, what you have in the California State Farm Labor Service is 449 personnel, funded with $3.5 million, placing workers or a total, according to their statistics, of only 9,395 real jobs, that is, regular jobs. However, they admit that even of these 9,300 so-called real jobs many were duplications, because frequently a worker would be sent to a real job that did not pan out.

He would be counted, but some were for only a half-day or so. So in summary, you can say about the California Farm Labor Service that each staff member per year produced 20 real jobs, or one-tenth of one so-called real job per staff day. I don't know if there is anything more that I need say about the statistics.

I would like to talk about law and order. There are a number of mandatory regulations, the purpose of which is to assist the farmworker and to protect him. Basically none of them are being obeyed at all. I would like to talk about 11 particular violations that you raised in large measure yesterday.

No. 1, advisory councils. It is not permissive. It is not prefatory to have them. It is mandatory. The language says "shall." The Labor Department, however, has informed me that despite my legal background, that I do not understand what "shall" means. "Shall" means "may."

So perhaps when the Senate rewrites legislation, it might want to say "shall" means "shall" and not "may."

Senator MONDALE. Which advisory council are you talking about?

Mr. GNAIZDA. Statewide and local. They are mandatory.

Senator MONDALE. Do we have them?

Mr. GNAIZDA. No, sir; none.

Senator MONDALE. The law provides that migrants should be included on those councils?

Mr. GNAIZDA. Yes; but not specifically. It talks about representation from all groups. But apparently the migrant farmworker is not supposed to benefit.

Senator MONDALE. But in any event the law requires creating these committees, and yet they do not exist.

Mr. GNAIZDA. They do not. Secondly, the law requires counseling. It is mandatory.

Third, the law requires testing. There is none of any kind.

Fourth, the Federal regulation talks specifically about the obligation of the Farm Labor Service to upgrade the farmworker. Instead, they downgrade the farmworker's job. Specifically they try to fill the worst jobs first for good reason. They are the hardest to fill.

The law prohibits anyone from making a profit from the use of the Farm Labor Service, especially middlemen or farm labor contractors. It says no one shall receive a fee directly or indirectly from the em-

ployer or employee. Nevertheless, somewhere between one-third and one-half of all the placements in California result in a fee to a farm labor contractor.

The regulations are clear. The longest job duration is to be the job to which the farmworker is to be sent. However, he is generally sent to the job of the shortest duration. The reason is simple. That will produce a higher annual statistic.

If you can send a farmworker to a new job each day, he will count as a new statistic each day. There is no value to sending a farmworker to a job that lasts for months. That only counts as one job placement.

The law says specifically that the farmworker shall be sent only to those growers who pay the highest prevailing wages in the area. Instead, they are sent to jobs paying the lowest prevailing wages.

Senator MONDALE. Is that a State or Federal regulation?

Mr. GNAIZDA. Federal, and adopted by the State.

Senator MONDALE. Farm labor offices are supposed to send available workers, first, to the highest paying employers?

Mr. GNAIZDA. Right. And they are not permitted to send workers to jobs that pay below the minimum.

Senator MONDALE. Below the minimum wage, or below the prevailing wage?

Mr. GNAIZDA. Prevailing is higher than the minimum, presumably. In California that is the case. Very few growers deliberately violate the minimum wage when they pay a fixed rate. However, it is violated on the piece rate and is responsible for farmworkers earning less than $1.65.

The grower submits an order for a piece rate, he submits an unrealistically low piece rate, but on its face it does not look like it is below the minimum. In the Santa Rosa office it was admitted they received piece rates to pick apples at the rate of, for example, $4 a bin. It has been proven that there is no farmworker anywhere in California who can pick in an 8-hour day more than two bins of apples. That would be 3,000 pounds. So if you are paying $4 a bin, you earn $8 for an 8-hour day or a dollar an hour.

Senator MONDALE. Does Federal minimum wage law only require that the minimum be paid where an hourly rate is in effect, and if a piece rate is in effect, the wage law has no application?

Mr. GNAIZDA. It has application as to the piece rate. You have to show that at least 80 percent of your workers earned the minimum wage through the piece rate. However, Federal regulations for the Farm Labor Service are clear: Everyone must earn the minimum wage. No one can earn below it. The regulation goes beyond the Fair Labor Standards Act.

Senator MONDALE. Is it your testimony that the Farm Labor Service in California is, in fact, ignoring those requirements?

Mr. GNAIZDA. Absolutely, unequivocally.

Senator MONDALE. And is the Farm Labor Service prohibited from sending workers to farms which pay less than the minimum wage?

Mr. GNAIZDA. That is correct, and it is their testimony they never do. It is the testimony of every farmworker that he earns far below the

minimum wage, although no employers admit that they pay a specified wage of less than $1.65 an hour.

Next, the violations of the regulations protecting against health and sanitation. Violations are clear. No one can be sent to a grower who violates any health or sanitation law. However, the Farm Labor Service refuses to obey these laws and openly sends workers to growers who violate health and sanitation laws.

Eighthly, there is a prohibition against sending farmworkers to growers who endanger the health of farmworkers. For example, in the pesticide area. Even though the Farm Labor Service has a statistic available to it that one in every six farmworkers is injured due to pesticides in California every year—that is, 37,500 farmworkers are injured annually due to pesticides—the Farm Labor Service has taken the position that it is not a matter of any concern to it, that the problem of pesticides is a problem between the worker and the grower and not something the Farm Labor Service should intercede in.

There are two other violations of Federal regulations. One is the blacklisting of workers. The Farm Labor Service blacklists workers who are considered by growers to have unacceptable attitudes, who complain about lack of promised wages or lack of toilets or drinking water. However, the Farm Labor Service admitted that although it had a blacklist of workers, it has no comparable list of growers against whom violations are filed.

There is a very good and satisfactory bureaucratic explanation for this. The Farm Labor Service stated it never records any complaints made against growers. If a worker complains, it goes unrecorded. So from a bureaucratic standpoint it could not compile a blacklist of growers.

Senator Mondale. Let's go back to the blacklist. Do you have direct evidence that they will accept an employer's blacklist?

Mr. Gnaizda. Yes, sir, the sworn testimony of Milton Eisley, the manager of the Santa Rosa office, taken in early April 1970.

Senator Mondale. A grower will bring in a list of people he does not want back because they have complained about lack of toilets?

Mr. Gnaizda. Farm Labor Service was evasive about it and refused to turn over their records, but the manager stated that they have names of workers that they keep on a list whom they consider undesirable workers. And that these workers would, therefore, not be referred out to jobs; but they do not have such a list of undesirable growers and even though they receive complaints by workers against growers, they do not record any of the complaints so they would never be able from one day to another to know how many complaints were issued against any particular grower.

Senator Mondale. If a worker came in and said, "I was only paid 60 cents an hour. I worked hard. Everybody in that field made 60 cents an hour maximum." The Farm Labor Service would not record that, but instead would strike this person from the referral list?

Mr. Gnaizda. That is correct.

Senator Mondale. But if that same farmer came in and said, "A farmworker named Lopez complained because we did not have a field

toilet." The official might write that man's name down, and not refer him for any work?

Mr. GNAIZDA. They said they would require three complaints before they would abandon him. Three strikes and you are out.

We believe this type of blacklist is banned by Federal regulations. It certainly ought to be banned on ethical and moral grounds, certainly until there is equal treatment between the grower and the worker.

The farmworker is willing to run the risk of being personally blacklisted if the grower runs the same risk.

The last major violation, is the failure of the Farm Labor Service to serve both groups. It is supposed to serve the grower and farmworker. The testimony is that the Farm Labor Service people regularly meet with the growers and never meet with farmworkers and see no need to meet with farmworkers.

In addition, it is interesting that it was admitted during the depositions that growers staff the Farm Labor Service. For example, in one office all the primary staff members are growers and they send workers out to their own ranches.

Senator MONDALE. Go through that again.

Mr. GNAIZDA. Let us take the Sonoma County Farm Labor Office, for example. All the permanent employees, as opposed to seasonal employees, are persons directly associated with agriculture.

Senator MONDALE. But most of them are civil service, aren't they?

Mr. GNAIZDA. Yes, they are unsuccessful growers or wives of growers.

Senator MONDALE. And they may be drawn from local communities, but they will be civil service?

Mr. GNAIZDA. Right.

Senator MONDALE. They are permanent year-round employees?

Mr. GNAIZDA. Right; for example, the testimony was one staff member made approximately 40 different referrals to her own ranch during the year 1969. On many of the occasions the minimum wage was not paid, because it was subverted through a piece rate and the manager said he had no idea whether even that staff member complied with elementary California State health sanitation laws, such as the requirement to provide toilets and drinking water.

There are two other points I wanted to mention.

Senator MONDALE. And in California you have no evidence that farm labor offices hire seasonal farmworkers as office employees during peak season?

Mr. GNAIZDA. They do not. They hire many retired military people.

Senator MONDALE. Do they hire special help during harvest season?

Mr. GNAIZDA. Through civil service. I will say this for California. It has made more of an effort in terms of securing Spanish-speaking persons than most other agencies, but they cannot function without them. That is the reason. The statistics show they cannot get workers together without someone speaking Spanish.

When they go to a bus, they say to the farm labor contractor, "How many workers?" They don't count them, so it is self-preservation. But they do have a significant number and it is increasing. It is shock-

ing, however, that any office that serves 60 percent Spanish-speaking persons would have none, as is the case with the Santa Rosa office. They are not chosen from the farmworking community because of attitudes. It is important to have what is considered a proper grower attitude and persons who have had nonproper attitudes have found it difficult to get the jobs, even with proper training.

We have a number of affidavits from people like that.

There are two other areas in which I think the Farm Labor Service operation has shown itself to be hypocritical in terms of agricultural and labor development expectations. One is job training and upgrading of workers.

The Labor Department is never going to succeed with the migrant. I have no hope at all. They are not doing any counseling or testing and the regulations are clear they have to do it. They are not interested in protecting the farmworkers. At best, they see themselves in a benevolently indifferent disinterested role.

Maybe a few people in Washington are somewhat interested in the migrant worker and would be attacking the Labor Department were they not working for it. I do not think it is a reflection on the people in Washington. I think highly of Mr. Weber. I think he is an extraordinary man.

I also think highly of former Secretary Wirtz, but they won't do the job when they are in the Labor Department. At least not as to the Farm Labor Service.

There is one illustration of the migrant workers' problems with the Farm Labor office which I think shows total hypocrisy. That is the example of the Green Giant Co. In 1967 Manuel R.—I am leaving off the last names.

Senator MONDALE. I was a pea inspector for them once. Be careful.

Mr. GNAIZDA. Manual R. was referred by the Farm Labor Service in Calexico to Green Giant with 260 other workers. He was referred to Minnesota. When he arrived there with 500 workers from all over, there were no jobs for most of the workers, only a couple of hours of work.

Finally he arrived back at the Farm Labor Service in Calexico and he complained. He said they paid no attention to him at all. Well, we can understand that.

The Farm Labor Service did not have any idea that Green Giant treated workers that way.

The next year they sent Gumberto V., along with a number of other workers from Calexico to the State of Washington. Once again, to Green Giant. He arrived. There was no work for almost a week. Green Giant had apparently instructed the bus drivers not to drive anyone south because many of the workers wanted to leave.

When he arrived back in Calexico, he saw the Farm Labor Office still had the same sign, advertising for workers for Green Giant in Washington. He spoke to some of the farmworkers, telling them not to go up there.

One of the staff people who understood Spanish overheard him and told him to stop this talk and threatened to have him sent to jail if he did not terminate his objections to Green Giant Co.

In 1969, though, they were still referring workers. One worker testified that he was referred with about 35 other workers from Calexico to Illinois to work for Green Giant during this period. During his first 2 weeks, after all deductions, he earned an average of 36 cents an hour.

He said he was a slave there. He had no way to get back. He had no money. So of course he stayed for the entire contract period of approximately 6 weeks. He went back to the Farm Labor Service. He complained to them very bitterly. He said they just laughed at me and told me there was nothing that could be done.

There are many other examples of exploitation of farmworkers who are sent across California into other States.

Senator MONDALE. Let us look more carefully at that Green Giant example. Does Green Giant send a bus to Calexico, pick these people up and take them to Illinois or Washington or Minnesota?

Mr. GNAIZDA. That is what the Farm Labor Service people tell us. It is their bus, Green Giant—but we don't think so. We think they are contracted out.

Senator MONDALE. What incentive would Green Giant have to bring, at their own expense, surplus labor that they do not intend to use to distant points like that? Doesn't that cost money?

Mr. GNAIZDA. One would think so, but not necessarily. All the workers testified that Green Giant did not give them advances, in case of Calexico workers. Although transportation was paid for, it was deducted out from their wages when they began to work. No food allowance is given and no living allowance on long trips.

Green Giant would probably like to have just enough workers to do the job, but they don't want to take a chance. The bus might break down. In one case it did, so there was a delay. It is in every grower's interest to have a surplus of workers.

It guarantees the harvesting of crops. It also guarantees you will not have to raise the price to induce workers to stay. It induces the worker to work more than 8 hours and it induces him to work Saturdays and Sundays. So there is an advantage and I appreciate this advantage.

Growers may have the right to continue to do this, but the farm labor service should not encourage it. It has an obligation to the workers. It should try to match the workers to the job. But if they are going to make an error, it should be against the grower, not against the migrant or farmworker.

All of our workers could have made money somewhere else if they had not gone there.

I am not overly sympathetic to the labor problems of large corporations. I think they are capable of handling those problems, and I think companies that do have good labor relations in agriculture can get plenty of workers. We have evidence of this from growers who do not violate the law in California.

Senator MONDALE. One of your allegations in the legal court complaint is that better employers do not use the State employment service?

Mr. GNAIZDA. We have an affidavit that was submitted by Driscoll Strawberries, the second largest strawberry grower in California. The

president stated in his affidavit that the farm labor service only serves, or best serves, those growers who violate the maximum number of laws and pay the lowest wages.

He thinks it should be terminated or run by farmworkers and growers because presently it does not serve the best interests of agriculture as a whole; it serves only the more marginal employers.

Driscoll Strawberries does not have trouble getting workers. They come back there year after year. I think the same would be the case for Green Giant if it had a good reputation.

The fourth major problem illustrated by the farm labor service is the whole question of the role of Government in assisting the powerless. I think the farm labor service puts into question the whole role of government in attempting to assist the migrant farmworkers. The farm labor service in California depresses wages and working conditions. We have estimated that the farm labor service alone, through its operation of sending workers to the worst jobs, causes a loss of wages annually of at least $62.8 million a year.

We have also estimated that there is a substantial cost to the taxpayer in terms of additional welfare costs, because farmworkers earning less than a certain amount are eligible for welfare, depending on hours worked under California welfare rules.

So what you have is the Farm Labor Service and the Federal Goverment depressing wages and working conditions, perpetuating the powerlessness of migrants and perpetuating their poverty. I think that if the Farm Labor Service was a private industry and the same kind of complaints were developed, that there would be a vociferous, widespread demand for regulation of the Farm Labor Service.

But the Farm Labor Service is a law unto itself and this is why the farmworkers would like the Farm Labor Service closed.

As an alternative I would like to suggest concurrence with your own proposal, Senator. I would perhaps go just a little further and say, "Turn over the whole Farm Labor Service to the migrant workers." I am not suggesting that they will do a good job. I don't know. They might.

I will say one thing though. They will not do a worse job than the Farm Labor Service has done and there will be at least 2,000 migrant workers uplifted from poverty, because they will be on Federal payrolls.

During the last 15 years the Farm Labor Service has cost the taxpayers a quarter of a billion dollars that we can identify. I am sure the cost is more than that in terms of lost wages. It certainly is more than that just in terms of drain on our gold balance.

Since the Farm Labor Service is providing work for Mexicans most of them save the money they earn, do not spend it in the United States, and then take it back into Mexico. We have estimated in another lawsuit that illegal aliens in California alone are responsible for a drain of $100 million a year on the U.S. balance of payments. They earn over $131 million in California and over $100 million goes back to Mexico.

Senator MONDALE. This gets to the border problem. I think that is the chief cause of migrancy.

Mr. GNAIZDA. I concur. I think the border problem is a greater problem than the Farm Labor Service. I think the Farm Labor Service just accentuates it.

Senator MONDALE. If you could prevent that illegal gush of labor coming across the border, bargaining power of those who are left, of U.S. citizens and permanent resident aliens would rise dramatically. You say Calexico is the biggest office in the country?

Mr. GNAIZDA. Biggest in California; 463,000 job placements.

Senator MONDALE. That is right on the Mexican border?

Mr. GNAIZDA. Right across from Mexicali.

Senator MONDALE. Most of the people that come to that office are just commuting from Mexico, are they not?

Mr. GNAIZDA. Yes, sir.

Senator MONDALE. And go back there?

Mr. GNAIZDA. Yes, sir.

Senator MONDALE. They say a quarter of those are nonresident aliens.

Mr. GNAIZDA. The Calexico statistics are 80 percent of 463,000 are Mexicans. That is just for Calexico.

Senator MONDALE. That is based on their statistics?

Mr. GNAIZDA. Yes, sir.

Senator MONDALE. And a lot are producing phony baptismal certificates?

Mr. GNAIZDA. I would think so.

Senator MONDALE. So that understates the number of aliens.

Mr. GNAIZDA. We would say so. We had a survey made of Imperial County farmworkers from the Calexico area; 125 were interviewed. Many people would not talk. We assumed most of those who would not talk were Mexicans. Of those who did, somewhat over 75 percent were from Mexico.

It was interesting, their observations on the farm labor service. None of them could ever recall being assisted by the farm labor service in any fashion. All but three of them were very unhappy and dissatisfied with farm labor service.

These are Mexicans whose toleration of abusive government is greater than that of most Americans.

Senator MONDALE. In your opinion, is the State employment office in Calexico actually soliciting foreign labor?

Mr. GNAIZDA. Sure. They have to keep up their statistics. They are now on a windmill. They have no alternative. Once that statistic starts to go up, you cannot let it level off, because other States are in competition for funding.

Senator MONDALE. Let us go right to the Department and ask them for statistics from all States of the last 5 years and see what they are.

Also get a list of all employment offices on the Mexican border and trace the same kinds of statistics that we have seen in Calexico.

Mr. GNAIZDA. I think that would be very helpful.

There were a couple of suggestions that you made, Senator, which I agree with wholeheartedly. One of them is if we do not want to turn over the farm labor service to migrant workers, we could just consider taking that $21 million and buying mobile homes. I think they would be far better off. If you took the $250 million that has been

squandered over the last 15 years and put it in mobile homes, 50,000 migrant families would now have mobile homes.

Senator MONDALE. 50,000 might be more houses than migrants? [Laughter.]

Mr. GNAIZDA. That is correct. I was leaving a little leeway because of the possibility that their statistics might be inaccurate. There was some suggestion of that yesterday, I believe.

In summary, I think the farmworkers' view of the Farm Labor Service is best expressed by a quote from the "The Grapes of Wrath." Tom, of the Joad family, was referring to the farm labor conditions that he encountered and he said, "That's stinking." And the young man laughed harshly and he said, "You stay out here a little while and if you smell any roses, you come let me smell, too."

Thank you.

Senator MONDALE. Mr. Mittelman.

Mr. MITTLEMAN. I have a few things. You quoted from a number of documents, particularly a deposition and some affidavits. I wonder if you could supply for the committee's records actual copies of depositions and the affidavits you quoted from.

Mr. GNAIZDA. As to all the affidavits, yes. And what I will do for the committee is submit the pertinent points on the depositions because they are fairly lengthy.

Mr. MITTELMAN. If you could submit enough so we know the context, questions, and the direct quotations.

Mr. GNAIZDA. I will be delighted to do so. I might note that the materials were submitted together with my opening statement, and perhaps they will all be printed together.

Mr. MITTELMAN. That's fine. Secondly, a number of charges you made are obviously very serious and they do apparently involve violation of Federal Government regulations, but I think the record ought to be clarified as to the relationship between the Federal Government and the local State employment service. This is not, as least as I understand it, a matter of Federal Government being able to step in and tell local employment service director what he must do to follow regulations or, indeed, to fire a local employment service director who fails to follow regulations.

There is a very delicate relationship between the U.S. Department of Labor and various state governments and, in fact, the employment, local employment service officers are known as State employment service officers and the employees of those offices are State employees. They are not Federal employees by and large.

Is that your understanding?

Mr. GNAIZDA. The factual statements are correct. The conclusion legally is one, I think, that is not necessarily correct. The regulations specifically state that no State may operate a Farm Labor Service and get any Federal funds unless it has an effective plan of operation that is in full compliance with every rule and regulation.

And the Labor Department could cut off the funds. They could threaten to cut them off and, in fact, now have acknowledged that, in fact, they may have some duties. But over the past 15 years they have taken the position that they have no responsibility.

Mr. MITTELMAN. You are absolutely right. They obviously do have a responsibility. I want to get the record straight to indicate that in order to correct the problem, the U.S. Department of Labor has to negotiate with California concerning its implementation of its total plan for its running of its employment service.

The Federal Government cannot step in directly and give orders to a local State employment service director. It must negotiate with the California State Employment Service and its director, who is responsible basically to the government of California.

Mr. GNAIZDA. That is correct, in the technical sense of viewing things as going through channels. However, all Secretary of Labor Shultz has to do is send a letter saying here are the regulations. We want them obeyed in spirit.

Mr. MITTELMAN. That sounds very easy.

Mr. GNAIZDA. He just has to threaten to cut off the funds.

Mr. MITTELMAN. I appreciate that and I am not arguing at all.

Mr. GNAIZDA. I understand.

Mr. MITTELMAN. I just wanted to clarify the record, because Mr. Weber was here yesterday, and I believe you heard his testimony. It was not made clear on the record that he could not step in and tell the local employment service director to change his ways.

This is a matter of negotiation between Federal and State governments. The employment service is 100 percent Federal-funded.

Senator MONDALE. This is true of farm labor offices, too. The condition for States receiving these funds is that the regulations laid down must be complied with?

Mr. GNAIZDA. Correct.

Senator MONDALE. And some of the violations you have alleged here today are violations of those regulations?

Mr. GNAIZDA. Correct.

Senator MONDALE. Is there any evidence that you have that the Federal Labor Department has tried to enforce the obedience to these regulations by local farm labor offices?

Mr. GNAIZDA. I think the best evidence would be two letters that I wrote. I documented the matter more generally in October of 1968, October 22; I sent a letter to Secretary of Labor Wirtz. I merely received an immediate response thanking me for calling this to his attention.

That was the end of the response. On July 9, 1969, I felt Secretary Shultz had been in office long enough for me to call this to his attention through an almost identical letter. And I indicated that any additional information he would like would be made readily available. I never received a response.

Senator MONDALE. What violation or violations were you referring to?

Mr. GNAIZDA. The whole office; we stated it was a grower-run, grower-dominated office, that it subsidized only those growers who violated the law and we threatened litigation if we did not receive a response.

Nevertheless, we received no response. We then tried to negotiate with the State and we met with them in December of 1969 after they

had lost a related lawsuit in State court. They contended they had no obligation under the act at all. They lost the State lawsuit.

When we inquired as when they would enforce the law, they indicated it would take time. We said, "How long? A year?" They said, "Maybe longer." So we then attempted to get in touch with the Secretary of Labor and he finally met with a group of farmworkers on February 20, 1970. Secretary Weber alluded to this yesterday.

The Secretary's position at that time was he would look into it without a commitment of any kind at all. I am not really free to say what is happening since then, but I would say we are not satisfied at all.

Senator MONDALE. You say the State of California took the position that the Federal funds came to the State unconditioned?

Mr. GNAIZDA. They would not put it in those legal terms, but in substance that is correct. I am sure as an attorney you have found that this generally happens. Any time you bring a suit against anybody, he says he owes no duty to your clients.

Senator MONDALE. At this point the reality of a farmworker who is treated in a way which violates those regulations is one of total powerlessness. There is nothing he can do about it unless he has the money to hire a lawyer, unless some administrator goes out of his way to help.

Mr. GNAIZDA. But he cannot even hire a lawyer. They are afraid. The way we brought this suit is we filed in a sealed envelop the undisclosed names of 250 farmworkers. We called it 250 farmworkers versus Shultz.

A worker runs a risk of being blacklisted. To disclose one's name takes the kind of courage most bureaucrats do not even have.

I have not heard anybody at the Labor Department say we should do something about the exploitation of the migrant. I only hear talk about more studies. I am not opposed to studies, but I think more of the money should be given directly to the migratory worker. The worst that will occur will be that a few thousand migrant workers will profit from the jobs created and leave their migrant position and move into the middle class.

Senator MONDALE. Thank you very much for a most useful statement. You have reassured me in my belief that one of the few good things we have done in this country is the passage of legislation providing for the establishment of a legal services program.

Mr. GNAIZDA. Thank you for your support.

Senator MONDALE. The subcommittee has received several statements that I order printed at this point in the record.

(The information referred to follows:)

THE URBAN INSTITUTE,
Washington, D.C., April 10, 1970.

MR. BOREN CHERTKOV,
Counsel for Subcommittee of
Migratory Farm Labor, U.S. Senate Office Building,
Washington, D.C.

DEAR MR. CHERTKOV: I have prepared and enclosed a capsule statement of the Geneseo monograph. The statement is entitled "The Measurement and Interpretation of the Earnings of Migratory Farm Workers".

I have recently experimented with a capsule statement of the *Public Policy* paper in a seminar I gave the Afro-American Studies students at Yale and at an economics seminar at Penn State, and have concluded that it is better left whole.

Please feel free to use in part or in whole any of the materials I have sent you.

Sincerely yours,

HERRINGTON J. BRYCE.

Enclosures.

Alternative Policies for Increasing The Earnings of Migratory Farm Workers

BY
HERRINGTON J. BRYCE

Reprinted from
PUBLIC POLICY
VOLUME XVIII, SPRING 1970, NUMBER 3
Copyright, 1970, by the President and Fellows of Harvard College

PUBLIC POLICY

PUBLISHED BY THE HARVARD UNIVERSITY PRESS FOR THE
JOHN FITZGERALD KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY

Editorial Board

JAMES S. DUESENBERRY
RICHARD C. EDWARDS
STANLEY H. HOFFMANN
ROBERT JERVIS
EDWIN KUH
ERNEST R. MAY
SAMUEL L. POPKIN
LESTER C. THUROW
MICHAEL WALZER
PAUL H. WEAVER
HARRISON WELLFORD
ROBERT C. WOOD
JOHN D. MONTGOMERY, *Chairman*

Editors

JAMES R. KURTH, *Politics*
THOMAS D. WILLETT, *Economics*
EDITH L. ANNIN, *Assistant Editor*

PUBLIC POLICY is published quarterly by the Harvard University Press for the John Fitzgerald Kennedy School of Government, Harvard University. Annual subscription, $8.00 (foreign, $9.00); single copies, $2.50. Manuscripts and editorial correspondence should be addressed to The Editors, PUBLIC POLICY, Littauer 222, Cambridge, Mass. 02138; business correspondence concerning subscriptions, back issues, and advertising should be addressed to the Harvard University Press, 79 Garden Street, Cambridge, Mass. 02138.

© 1970 by the President and Fellows of Harvard College

Published by the Harvard University Press
79 Garden St. Cambridge, Mass. 02138

Application to mail at second-class rates is pending at Boston, Mass.

ALTERNATIVE POLICIES FOR INCREASING THE EARNINGS OF MIGRATORY FARM WORKERS

HERRINGTON J. BRYCE

The earnings of migratory farm workers are pitifully low. How can they be increased? Basically, there are three alternative policies for increasing the earnings of any group of workers: an increase in the demand for their services, a minimum wage, and a reduction in their supply. This paper discusses these alternatives as they relate to migrant farm workers. The potential contribution of a farm labor union is also considered.

Present Levels of Money Earnings

In 1968 migrants on farms covered by the federal minimum wage law earned $1.66 an hour, 4¢ more than those on uncovered farms. As usual, the regional variation in wages was very wide. Wages were highest in California and in the Northeastern states of Connecticut, Massachusetts, and Rhode Island. They were lowest in the South. In Alabama, Georgia, Louisiana, Mississippi, Tennessee, West Virginia, and especially South Carolina, the average wage of migrants was below the federal minimum of $1.15. In South Carolina it was 99¢.

Hourly rates overestimate the total annual income of migrants, since most are irregularly employed. The annual income of those who worked exclusively on farms in 1968 was about $1,000. Those who did both farm and nonfarm work earned nearly $2,000.[1]

* This article is based on a report prepared for the New York State Center for Migrant Studies (see footnote 4). I am grateful for the comments of David Martin, Roy Bryce-LaPorte, Constantine Michalopoulos, Stuart O. Schweitzer, and B. J. Widnick, although the views expressed here are my own.

[1] The state wage data are obtained from the Subcommittee on Migratory Labor, *The Migratory Farm Labor Problem in the United States, 1969* (Report of the Committee on Labor and Public Welfare, U.S. Senate), p. 51, and U.S. Department of Labor, *Hired Farmworkers: A Study of the Effects of the $1.15 Minimum Wage under the Fair Labor Standards Act, 1969*, pp. 8–10. Annual income data are obtained from Robert C. McElroy, *The Hired Farm Working Force of 1968* (Agri-

These low earnings are reflected in the very high rates of poverty and malnutrition in rural America.

A Reduction in the Supply of Farm Labor

A reduction in the supply of farm labor undergirds all other policies.[2] It will relieve further downward pressure on wages by bringing supply more in line with the continuing decrease in the demand for migrant labor due to mechanization. It will help to alleviate underemployment by reducing the number of individuals among whom a smaller and smaller quantity of work is allocated; to bring about a more efficient scheduling of work; and to bring about the competition needed to make current minimum wage laws effective.

How can supply be reduced? It will not be sufficient simply to induce people to leave the migrant stream. Not only will such a strategy breed hardship, but it will fail to reduce the supply of farm labor unless steady employment at adequate wages is found in the nonfarm sector. There is some evidence to imply that many who leave the migrant stream do not in fact divorce themselves from agricultural employment. Many who leave later return; others become sedentary but continue to work either exclusively or part-time in agriculture.[3] Some join squatter-type communities in rural areas and constitute part of the local supply of farm labor. Others go to the city ghetto, where they are either unemployed or occasionally employed on farms and are known as day-haul labor. Finally, the consequence of a large number of mi-

---

cultural Economic Report No. 164; Economic Research Service, U.S. Department of Agriculture, June 1969), p. 6.

2 At least one prominent economist sees a reduction in farm labor supply as offering the only real hope for higher wages. See Theodore W. Schultz, "National Employment, Skills, and Earnings," in C. E. Bishop (ed.), *Farm Labor in the United States* (New York: Columbia University Press, 1967), pp. 53–56.

3 The chances for complete and successful separation from farm employment are most favorable for persons with high income (a reflection of productivity) and for those who settle in large cities farthest away from farms. Those who settle close by (and most do) are likely to return to farming. See Dale E. Hathaway and Brian E. Perkins, "Occupational Mobility and Migration from Agriculture," in The President's National Advisory Commission on Rural Poverty, *Rural Poverty in the United States* (Washington, D.C., May 1968), pp. 185–237.

grants entering the nonfarm labor market could be depressed wages for others (largely nonwhites) who are concentrated or trapped in the lower skilled jobs for which migrants will compete. A reduction in the farm labor supply must be carefully thought through.

One way to reduce supply is to provide migrants with skills which will enable them to assume nonfarm jobs. *A steady job even at somewhat lower wages than some migrants now obtain would make a significant number of them better off.* For example, a comparison of the total earnings of migrants at the end of the seventeen-week harvest in Wayne County, New York, with those of workers in steady employment (40 hours per week) during the same period, shows that 23 percent of migrants had lower total earnings than a worker with steady employment at $1.15 (the federal minimum wage in agriculture); 33 percent earned less than one with steady employment at $1.40 (the New York State minimum wage for agriculture); 44 percent earned less than one with steady employment at $1.62 (the average wage of migrants studied).[4] The effects on income of the irregularity of employment is undeniable.

Having obtained a skill for nonfarm employment, migrants should be aided in their adjustment to a nonagricultural way of life.[5] The *modus operandi* is vastly different in the two sectors.

[4] Based on data in Herrington J. Bryce, *Earnings of Migratory Farm Workers in Wayne County, New York: 1968* (Monograph No. 1; Geneseo, N.Y.: State University College of Arts and Science, 1969), pp. 24, 25. The situation described here will be more pronounced if nonwage benefits are taken into consideration. With the exception of seasonal housing, which is not always free, these nonwage benefits are more plentiful in the nonfarm sector.

[5] Since 1965 the U.S. Department of Labor has experimented with mobility programs which emphasize job and wage information and financial assistance for relocation; see Audrey Freedman, "Labor Mobility Projects for the Unemployed," *Monthly Labor Review*, XCI (June 1968), 56–62. It is said that these and other programs to aid mobility often lack coordination and are sometimes conflicting; see Donald Schon, "Assimilation of Migrants into Urban Centers," in *Rural Poverty in the United States, op. cit.*, pp. 267–287. Further, there is some evidence that financial cost is not the major obstacle to outmigration. Lowell E. Gallaway, in *American Journal of Agricultural Economics*, L (May 1969), 199–212, finds that the main barrier is artificial. Paul Johnson, "Labor Mobility, Some Costs and Returns," in *Rural Poverty in the United States, op. cit.*, pp. 238–247, finds that lack of information is the major obstacle. European countries have also engaged in rural-urban transition programs. These are described in Organization for Economic Co-operation and Development, *Measures of Adjustment of Rural Manpower to Industrial Work and Urban Areas* (Paris: OECD, 1968), and Sheridan T. Maitland

Farm work is irregular and poorly scheduled; hence, punctuality has very little meaning and is hardly essential to maintaining a job. As a matter of fact, punctuality is frequently costly. Huge food debts are incurred by those who arrive early from their home state, only to sit idly waiting for picking to begin. There is no institutionalized daily work period, such as 8 a.m. to 4 p.m.; work begins and ends without notice. When it rains there is no work or pay. In addition, a strong commitment to a grower will not lead to higher wages or to a job promotion — almost everyone does the same work and all are paid the same wage. On the other hand, commitment, incentive, and punctuality are important to success in the nonfarm sector.

Adjustment and employment in the nonfarm sector will be facilitated by a reduction in racial discrimination in employment. In trips to farms, I have regularly observed the absence of blacks operating state equipment in road crews or private equipment in construction crews, whereas similar equipment was being operated by some black migrants on farms. They should be eligible for suitable employment in the nonfarm sector.

Employment and outmigration from farming will depend upon the level of demand for workers in the nonfarm sector. It has been shown that income and employment opportunities for blacks in the nonfarm sector increase noticeably in good times. It has also been shown that outmigration from farming is related to conditions in the nonfarm economy. Especially in the case of blacks, when the level of employment or expected earnings in the nonfarm sector are low, outmigration from farming is likely to be low and unsuccessful.[6] Thus, a high level of demand for labor in the nonfarm sector is essential if outmigration from farming is to succeed.

The industrialization of the South offers another avenue for decreasing the supply of farm workers.[7] New nonfarm establish-

---

and Stanley M. Knebel, "Rural to Urban Transition," *Monthly Labor Review*, XCI (June 1968), 28–32.

[6] See Herman P. Miller, *Income of the American People* (New York: Wiley, 1955), chaps. 5, 8, 9, and Appendix C; and Hathaway and Perkins, *op. cit.*, p. 191. See also Edward G. Schuh, "Interrelations between the Farm Labor Force and Changes in the Total Economy," in *Rural Poverty in the United States, op. cit.*, pp. 170–183.

[7] This policy dovetails with the view that the solution to the urban problem in the North is the industrialization of the South as a means of choking off the flow

ments could be most effective if they hired blacks on a year-round basis, but a significant contribution could be made if hiring took place at the end of the Southern harvest; for in this case, some workers would be diverted from the migrant stream.[8]

As a special case of the implementation of a policy of industrialization, black establishments could be organized on a cooperative basis, hiring and paying their employees a wage equal to what they would have received on farms. With steady employment, their total earnings would be higher. Profits of the cooperatives (resulting in part from wages paid) could be reinvested so as to provide jobs for even more migrants.[9] The results could be higher earnings for these workers as well as for those who enter the stream. Black capitalism might be instrumental in this effort, and I recommend consideration of its use toward this end.

Two other policies might be undertaken to reduce supply almost instantaneously. One is to pass a law limiting the number of children working on farms. It has been estimated that nearly 30 percent of farm wageworkers are 14 to 17 years of age.[10] It stands to reason that if the minimum age for all types of hired farm labor in all states was raised to about 16, the farm labor supply would fall by nearly 30 percent, even considering that children tend to work fewer hours than adults. It is likely that the effects of children working on farms are to deprive them of an education, thus perpetuating the migrant stream; and to cheapen the labor of their parents, thus making child labor necessary. The problem is circular.

Raising the age limit has great appeal. Compared with training

---

of rural southerners into northern ghettos. This view is promulgated by John F. Kain, "Notes from the Blackbelt" (testimony before the U.S. Commission on Civil Rights, Montgomery, Ala., May 2, 1968); see also John F. Kain and Joseph J. Persky, "The North's Stake in Southern Rural Poverty," in *Rural Poverty in the United States, op. cit.*, pp. 288–308. See also Niles M. Hansen, "Regional Development and the Rural Poor," *Journal of Human Resources*, IV (Spring 1969), 205–214.

[8] One indirect effect of working part of the year in a nonfarm job might be outmigration from farming. Multiple job-holding was found to be an important intermediate step in this process. See Dale E. Hathaway, "Occupational Mobility from the Farm Labor Force," in Bishop, *op. cit.*, pp. 71–96.

[9] These principles are similar to those espoused by W. Arthur Lewis for less developed countries with a surplus of rural labor: see his "Development with Unlimited Supplies of Labor," *The Manchester School* (May 1954), 139–192.

[10] Estimate based on McElroy, *op. cit.*, pp. 10, 11. About 32 percent of migratory and 32 percent of nonmigratory farm workers are between 14 and 17.

(everybody's panacea), it would cut the supply of labor more sharply and would require a shorter gestation period. Moreover, it is likely to be less expensive to implement and to police. Freeing migrant children from work will provide them with time for the compensatory and remedial education which everybody agrees they will need in order to escape the fate of their parents. Growers will also benefit, because the pressure and cost of housing will decline if children are left at home. I especially submit this policy option for consideration.

The second way to bring about a quick and sharp reduction in the labor supply is to halt the illegal entry of foreign nationals who are hired by growers as cheap labor and as strikebreakers. It is hoped that the recent ruling in California which restricts the hiring of these "wetbacks" will abate the illegal inflow of farm workers and result in higher wages.

Then there is the problem of the impact of Mexican commuters and foreign temporary (but legal) workers on wages and employment.[11] To date, the system has operated to assure farmers of an adequate supply of labor. Formerly, this was accomplished through the *bracero* program (Public Law 78) from 1951 to 1963. The present operative regulation (Public Law 414) stipulates that the importation of foreign labor is legal only if the employment and wages of domestic workers are not adversely affected. There is evidence that wages for domestic workers are being adversely affected, but importation continues, albeit at a diminishing rate.[12]

An Increased Demand for Migratory Farm Labor

An alternative way to increase the earnings of a group of workers is to increase the demand for the services they provide. This

[11] Although foreign labor accounts for a very small part (less than 10 percent) of national farm wage-workers, their presence in some individual states is significant. In 1968, 15 percent of the farm workers in Maine were Canadians; 13 percent of Florida's and 20 percent of West Virginia's farm workers came from the British West Indies or the Bahamas. British West Indians accounted for 80 percent of the foreign workers. Calculated from U.S. Department of Labor, *Farm Labor* (first issue 1969), 8–11 and 33–49.

[12] See Stanley M. Knebel, "Restrictive Admission Standards: Probable Impact on Mexican Alien Commuters," in *Farm Labor Developments* (U.S. Department of Labor, November 1968), pp. 8–20; Varden Fuller, "Hired Farm Labor in the West,"

objective might be accomplished through a growth in the size and income of the population. But because food is a necessity and is already plentiful for most people in this country, a normal growth in domestic income and population would not lead to a dramatic rise in the demand for food and hence for migrant services.

Another way to increase the demand for a group of workers is to increase their productivity; for example, by education. In the case of farm workers, education leads more to outmigration than to increased productivity. Only a very low level of education is required to do most farm work, and advanced training is better rewarded in the nonfarm sector.[13] Labor productivity might also be increased through mechanization, but concomitantly machines will take over most jobs. A third means by which productivity could be increased is by a reorganization of work so as to reduce inefficiency in the use of labor on farms. By definition, this would mean achieving at least the same level of farm output with a lower level of farm labor employment. Clearly, unemployment would ensue.

Nevertheless, part of the problem of low migrant income lies in the inefficient organization and coordination of work. Migrants suffer severe underemployment during a harvest, as well as at the end when they return home. I have noted that for as many as five weeks during the Wayne County harvest, migrants may average well below 40 hours a week because the demand for workers declines between crops. It is estimated that the cost of

---

in *Rural Poverty in the United States, op. cit.*, especially pp. 436–438; and Phyllis Groom, "Today's Farm Jobs and Farmworkers," *Monthly Labor Review*, XC (April 1967), 2, and Subcommittee on Migratory Labor, *op. cit.*, pp. 61–65.

13 Over 60 percent of farm wage-workers never got beyond the eighth grade; see Aura Rapton, *A Socio-Economic Profile of the 1965 Farm Wage Force* (Agricultural Economic Report No. 157; Economic Research Service, U.S. Department of Agriculture, April 1969), pp. 13, 14. It has been found that a 10 percent rise in education would lead to a 5 percent wage increase through a 6 to 7 percent outmigration: Micha Gisser, "Schooling and the Farm Problem," *Econometrica*, XXXIII (July 1965), 582–592. It has been found that the average income of those who leave rural areas exceeds that of those who remain: see John B. Lansing and James N. Morgan, "The Effect of Geographical Mobility on Income," *Journal of Human Resources*, II (Fall 1967), 449–460. But there is inconclusive evidence that the marginal return to education in agriculture exceeds the opportunity cost in nonfarming. See Zvi Griliches, "Research Expenditures, Education, and the Aggregate Production Function," *American Economic Review*, LIV (December 1964), 961–974.

underemployment to the average migrant during the slack period was about $370.[14] A policy which reduces midharvest underemployment could materially improve the earnings of migrants.

Puerto Rican migrants who work under contract sponsored by their government have a guaranteed minimum number of hours of work as a defense against underemployment. A similar policy should be enacted for domestic migrants, and it should be accompanied by a minimum wage in order to avoid the eventuality that work will be offered, but at such low wages that migrants could not afford to accept.

It should be noted that to fulfill a guarantee of work hours, fewer persons might be employed. A grower will limit his hiring of migrants to the number he can safely assure work commensurate with the required wage. Thus higher earnings for some would mean unemployment for others. Since unemployment will vary directly with the supply of labor, a policy which reduces supply will facilitate the implementation of a work guarantee or an improved coordination of work.

In addition to mid-harvest underemployment, there is the issue of over-all lack of work. The rate of underemployment in rural areas is 37 percent, a little more than in the urban ghetto. It has been estimated that migrants who engage solely in farm work are employed an average of 138 days per year. Those who do both farm and nonfarm work average 168 days.[15] The policy sought is one which would expand the demand for these workers either in the farm sector, the nonfarm sector, or both. From all that has been said, it is apodictic that the key is greater absorption in the nonfarm sector.

A Minimum Wage

A minimum wage is an alternative policy for increasing migrant earnings. Only in the last three years have agricultural workers

[14] Calculated in Bryce, *op. cit.*, pp. 15–25.

[15] Data on underemployment are taken from The President's National Advisory Commission on Rural Poverty, "The People Left Behind," *Employment and Training Legislation, 1968* (Subcommittee on Employment, Manpower, and Poverty of the Committee of Labor and Public Welfare, U.S. Senate). See also *The Manpower*

been covered by a federal minimum wage law, which was $1.15 in 1968 but is at present $1.30. No provisions have been made for overtime premiums, and not all farms are covered. Specifically, only those farms which used 500 or more man-days of labor in any quarter of the preceding calendar year must comply.

In addition to federal law, states have enacted their own minimum wage orders. New York was the latest to do so, with a minimum of $1.40 in 1969 and $1.50 in 1970. It is worth noting that the New York bill was passed with the support of both organized labor and farmers. Other states with minimum wage laws are Arizona, California, Hawaii, Massachusetts, Michigan, and New Jersey. California offers the highest minimum ($1.65) and employs the greatest number of migrants. Like the federal government, states exclude certain farms from compliance.

These laws as they now stand are more illusory than helpful. First, there are a great number of migrants and other farm workers who fall into the "uncovered" category. About a third of all migratory workers and more than half of all hired farm workers were not covered by the federal minimum wage law in 1968.[16] Although these figures represent a substantial improvement since 1967, the percentages remain high.

In addition, approximately 60 percent of all migrants work in states in which they are not covered by state minimum wage laws.[17] Even where such laws exist, many migrants remain uncovered. Wisconsin excludes men from coverage, and men account for nearly 60 percent of the migrants in that state. California excludes adult men, and they probably account for nearly 60 percent of the migrants there.[18]

The ability of a minimum wage law to increase the earnings of migrants is further limited by the fact that these laws generally refer to hourly rates. Migrants are often paid on a piece-rate,

---

Report of the President, 1967, pp. 101–109; H. J. Hilaski and H. M. Willacy, "Employment Patterns and Place of Residence," *Monthly Labor Review*, XCII (October 1969), 18–25; Subcommittee on Migratory Labor, *op. cit.*, p. 54; and U.S. Department of Agriculture, *Handbook of Agricultural Charts, 1966*, p. 60.

16 U.S. Department of Labor, *Hired Farmworkers, op. cit.*, pp. 8–10, 36–41.

17 Due to problems of double counting, this is only a rough estimate. Data derived from Subcommittee on Migratory Labor, *op. cit.*, p. 9.

18 This is assuming that the state labor force is broken down according to sex as the nation is. Data derived from McElroy, *op. cit.*, p. 10.

rather than on an hourly basis, and there is usually no necessity for the two to match. Moreover, the hourly rate that is enacted may be below the prevailing rate. In New York a $1.40 minimum was enacted when the state's own estimate of the prevailing rate was $1.54. At the time that the federal minimum was established, it was below the prevailing rate in some states.

The preceding observations imply that if the minimum wage is to become more real than imaginary as a way to improve migrant incomes, it should be extended and raised. But there are some serious questions about the way a minimum wage affects earnings and employment. In what follows, some of these crucial issues are discussed, recognizing that the way a minimum wage affects employment depends on such factors as the nature of the demand for and supply of workers, the organization of the labor market, and the length of time the market has to adjust to the change in wages.

Would a minimum wage attract more workers to agriculture than can be adequately employed? The findings of one study suggest that if the minimum wage were rigidly enforced, it would tend to beckon a larger number of workers to agriculture than could be absorbed.[19] It is very unlikely, however, that the farm minimum wage would rise to the nonfarm level of wages even in real terms. The conditions of employment in agriculture tend to be less favorable than those in the nonagricultural sector. Consequently, the workers beckoned are hardly likely to come from the nonagricultural sector, but instead from the ranks of the unemployed or those who are not in the labor force. There might be disappointment, but not much loss, and many would enjoy higher wages.

Another consideration is that a minimum wage tends to lead to unemployment by making it more economical to employ machines. Although this argument is correct, it refers to a long-run effect (thus giving time for a reduction in farm labor supply). Moreover, the substitution of machines is dependent on forces other than a minimum wage. It also depends on technological progress and the ability to produce machines which farmers can afford. Even without a minimum wage, these forces could

[19] Schuh, *op. cit.*, p. 182.

lead to a greater use of machines, although a minimum wage encourages it by raising the relative cost of labor. In short, there is a limit to the usefulness of a minimum wage. If unemployment is to be avoided in the long run, the supply of labor must be decreased to offset the rate of mechanization.

A third aspect of the minimum wage-unemployment issue is less important in the agricultural sector than it is elsewhere. In the short run, a minimum wage causes costs and prices to increase, so that consumers buy less and employment falls. This line of events is less true in agriculture because food is a necessity and increases in prices do not result in drastic reductions in the quantity bought.

Is there a significant "contour effect," so that once a few farms are made subject to a minimum wage, all farms are forced by competition for labor to pay at least the minimum? If there is, then excluding certain farms from coverage would not matter. It is hard to conceive of a very powerful "contour effect" where (as in the case of migrants) there is a large, disorganized group of workers who have no other job opportunities. Under these conditions, the sheer want of a living will force many to work for lower wages. This appears to be the case in the South.

Does a low state minimum legalize low wages? Unless forced by competition for labor, farmers within a state may be satisfied with paying the legal minimum or slightly above it, even though they could pay more. This is possible in a state where farmers are able to exercise tacit or explicit collusive power in keeping wages down.[20] If a minimum wage which is lower than the in-

[20] The farm labor market has been described as having some semblance of a noncompetitive model. See L. B. Jones and J. W. Christian, "Some Observations on Agricultural Labor Market," *Industrial and Labor Relations Review*, XVIII (July 1965), 552–554.

I believe that the national and local labor markets (i.e., within each state) can be distinguished along the following lines. On the national level, the market might be considered competitive and the supply of labor plentiful. On the local level there is a possibility for collusive power on the part of some farmers due to the existence of farmer organizations and media in which wages are discussed, a few very large farmers who are the major employers and purchasers of the products of small farmers, and an atomistic group of workers.

Under these conditions, large and efficient farmers might be able to "set" a price below the equilibrium rate in order to save some of the less efficient farmers from shutting down. This would lead to a larger demand and a smaller supply of labor than at the equilibrium rate. Part of the labor shortage resulting from

tended wage of farmers is imposed in such a setting, farmers could legitimately boast that they were paying above the legally required minimum. But the wage would be so low that workers would continue to be exploited. The current practice of setting minimum wages below prevailing rates reinforces this possibility.

The argument used by Governor Rockefeller in justifying the New York minimum wage law was that both farmers and migrants would benefit: the former by reduced labor shortages, the latter by higher wages. A state could reduce labor shortages at the same time that it increases migrant wages if its growers are pursuing a wage policy which pegs wages below the market equilibrium rate.

Finally, does a minimum wage help the more inefficient migrants at the expense of the more efficient ones? A minimum wage which replaces a piece-rate schedule could have this effect, assuming that the high-productivity migrants at least maintain a productivity which is above the minimum wage. The employer could then use the surplus to pay the low-productivity migrants. If such is the case, a minimum wage would be at the expense of efficient migrants – not at the expense of farmers. A possible way out of this dilemma is a minimum wage with an incentive schedule. Present laws permit but do not assure this.

The conclusion to be drawn from the discussion of these issues is that the minimum wage is not an unambiguous policy. Its greatest weakness is that it can be inimical to employment. A minimum wage is at best a good short-run policy and as such, it should be extended and increased. Its implementation and effects should be monitored.

The real income of migrants is reduced by the cost of transportation. It has been estimated that a third of all migrants travel 400 or more miles from home to farm. A fifth travel a thousand

---

such a policy might be made up by labor-sharing arrangements between large farmers and some of the small cooperating farmers. Small noncooperating farmers would suffer a labor shortage.

In a market where collusion is operative in wage determination, a minimum wage above the prevailing rate would reduce shortages and increase wages. A minimum wage below the prevailing rate might have no effect if the prevailing rate meets the collusive objectives of the farmers.

Another distinction between the national and local markets is that while the supply of labor in the nation might be plentiful, in any given local market at any given point in time there might be shortages due to frictions in the adjustment of the market.

or more miles.[21] Invariably, the cost of this travel is met by the migrants, even though they are recruited and cajoled by farmers or crew leaders. The earnings of migrants could be increased if, as in the case of industry, the employer paid these expenses. Travel from Florida to New York or from Texas to the Pacific Coast should not be considered a commuting expense.

The policies discussed in this paper will not work to free all migrants from low wages. Some will remain behind, unable to earn a decent living. On behalf of these, some form of tax relief or income supplement might be provided. Income supplements should not replace efforts to pursue the policies discussed. They should be purely ancillary, if the public is not to subsidize low wages paid by farmers.[22]

A Union as a Policy Instrument

The National Labor Relations Act, as well as many state laws, does not include agricultural workers in the right to unionize. Some agricultural workers who are not field personnel have been organized in Hawaii and in parts of California. Attempts are being made to organize field workers (the category into which most migrants fall) in such states as Wisconsin, New York, New Jersey, and, of course, California. Organizations such as the Teamsters, NAACP, AFL-CIO, and the United Farm Workers Organizing Committee have been involved in this effort.[23]

[21] "The Migratory Farm Worker," *Monthly Labor Review*, XCI (June 1968), 10–12.

[22] This point is well made by Curtis Aller:

> Drawing on the pool of welfare recipients, farm operators are assured of an adequate labor supply when and where needed, simply returning the workers to the relief rolls for storage during lulls in labor needs. The farm operators thus escape the responsibility normally imposed on employers in nonagricultural industries to provide regular employment and adequate earnings, supplemented by unemployment insurance coverage and a variety of fringe benefits, sufficiently attractive to draw and hold a stable work force. At the same time, individual relief recipients are not helped to make long-range adjustments in the job market. Using public assistance in this way, with its high social and human costs, is the antithesis of the human resource development approach that we should be following. (Curtis C. Aller, "Manpower Programs for Farm People," in Bishop, *op. cit.*, pp. 115–135.)

[23] For a discussion of the attempts toward organizing farm workers and some of the obstacles, see Irving J. Cohen, "La Huelga! Delano and After," *Monthly Labor*

The most persuasive objection farmers have to the unionization of migrants is that a strike, even one of short duration, during a harvest could lead to the total loss of a crop. Recently, Secretary of Labor George Shultz has sought to meet this objection by recommending that unionization be permitted but that farmers be protected against harvest-time strikes.[24] Some farmers, however, are wary of the enforceability of such a covenant, since despite the Taylor Laws in New York public employees there have gone on strike.

The objection does not rest on sound grounds. First, workers such as firemen, police, and air controllers who could impose a great loss to society by striking are not deprived of the right to organize. Secondly, even in the absence of a union, growers are not immune to walkouts. Discontented migrants and their families often leave farms while the harvest is in progress. The only difference is that if there is sufficient time, a grower could recruit replacements or borrow migrants from other farms without being blocked by a union. Thirdly, migrants are being deprived of their civil rights to organize.

Even if the legal hurdles are overcome, the task of oragnizing will not be an easy one. A host of difficulties will arise from trying to organize a large, atomistic group of workers who are mobile and scattered about the country; who are unacquainted with unionization, are poor, and are burdened by more immediate needs; whose turnover rate is high; and whose occupation is easily entered and left. Unionization of such a group of workers would seem quixotic if it were not so essential.

A union could help migrants by striving for and by pursuing the policies discussed in previous sections. It could be an important bargaining agent — representing the interest of migrants who

Review, XCI (June 1968), 13–16; Judith Chanin Glass, "Organization in Salinas," *ibid.*, 24–27; Karen S. Koziara, "Collective Bargaining on the Farm," *ibid.*, 3–9; Varden Fuller, "A New Era for Farm Labor," *Industrial Relations: A Journal of Economy and Society* (May 1967), 289; National Advisory Committee on Farm Labor, *Farm Labor Organizing, 1905–1967: A Brief History*, p. 28.

[24] Statement before the Subcommittee on Labor of the Labor and Public Welfare Committee, U.S. Senate, May 6, 1969 (mimeographed). Shultz also advocated elections for the determination of a bargaining agent, a grace period prior to a strike which would be in addition to the 30–60–day notice of intentions to change agreement, and the establishment of a farm counterpart to the National Labor Relations Board.

are politically powerless and who must face a better organized group of employers. Its success in bargaining would depend on some of the very same conditions which determine the bargaining power of other unions.

Generally, a labor union can be a very strong bargaining agent if (1) its members are crucial to production; (2) the goods which its members produce are necessities, so that an increase in price due to higher wages would not cause consumers to demand less, thus leading to unemployment; (3) other factors of production cannot be readily hired as replacements; and (4) the total wages paid to members constitute such a small part of the total cost of production that wage increases would not lead to a significant rise in cost.[25]

At present, migrant workers are essential on fruit and vegetable farms. They produce a necessity — food; and their wages account for a small part of total farm cost.[26] Unfortunately, a unionized group of migrants would be easily replaced by nonunion members unless the union controlled supply and employment. Traditionally, craft unions have had greater control over supply by controlling training and entry into occupations. Being composed of very low-skilled workers, a farm labor union is not likely to have this leverage. The best leverage a farm union is likely to have is a quasi closed-shop arrangement with farmers.[27]

Through a quasi closed-shop arrangement, a union has almost full control over the labor supply, since only its members can be employed. Growers would benefit by shifting to the union the cost of recruiting and the responsibility for having an adequate number of quality workers available. Work coordination could be achieved by the union's scheduling of work among the various farms in a locality.

These benefits might not be sufficient to allay the fears of a

[25] These are the conditions long ago articulated by Alfred Marshall, *Principles of Economics* (8th ed.; New York: Macmillan, 1920), pp. 383–386.

[26] Farm wage-workers account for 19 percent of total farm costs and upwards of 8 percent of farm annual expenditures. *Handbook of Agricultural Charts, No. 348* (October 1967), and *Farm Income Situation, Fis. 214* (July 1969), both of the Economic Research Service, U.S. Department of Agriculture.

[27] Closed shops are illegal on the federal level, and states may at their discretion choose to permit them. There are in existence various arrangements which are virtual closed shops. The high turnover rates may make a union shop very impracticable.

harvest-time strike. I believe that an appropriate trade-off would be an agreement limiting but not necessarily ruling out harvest-time strikes in exchange for one granting a quasi closed-shop arrangement. Limiting its right to strike would not in itself render a farm union impotent. Other unions have been able to represent their workers without formal strikes. The crucial point is that without control of a significant portion of the farm labor supply, any strike attempted by a farm labor union would be limited if not easily broken.

Conclusions: The Interrelationship between Policy Options

Possibly no single policy will bring about a prompt and sufficient rise in the earnings of migratory farm workers. The results of a rise in age requirements and a cessation in the hiring of illegal entrants might be quick but not sufficient. A strategy which incorporates many options will be optimal. One possible policy mix might be as follows: (1) on the supply side, a rise in the age requirement, a cessation in the hiring of illegal entrants, and the training, orientation, and hiring of migrants in the nonfarm sector; (2) on the demand side, a more efficient organization of work; (3) in terms of organization, a labor union; and (4) for those who remain below the poverty line, supplementary income. This latter group will be the smaller, the more efficient the labor market strategy pursued.

THE MEASUREMENT AND INTERPRETATION OF THE EARNINGS OF MIGRATORY FARM WORKERS *

Herrington J. Bryce **

The earnings of migratory farm workers are neither easily measured nor interpreted. This paper describes some of the common pitfalls in the measurement and interpretation of these earnings. Examples are drawn from Wayne County, New York, a chief source of migrant employment in that State.

THE IRREGULARITY OF EMPLOYMENT: WEEKLY FLUCTUATIONS IN EMPLOYMENT AND EARNINGS

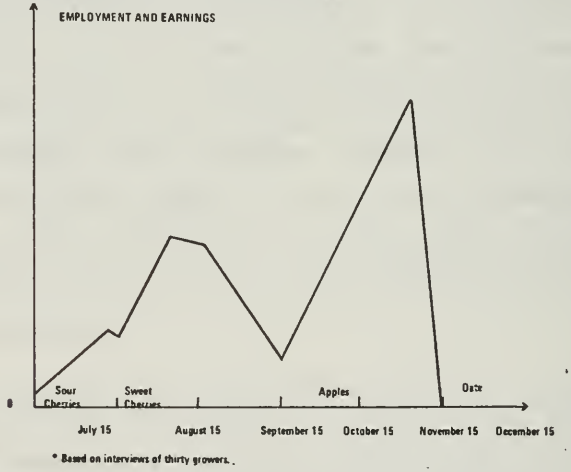
A common error which is committed in the interpretation and measurement of migrant earnings is the assumption that accurate judgment can be made based on the amount earned in a single or even a few weeks of the harvest. Weekly fluctuations in the earnings of migrant workers make it fallacious to assume that one or a few weeks are typical of the harvest.

*This paper is prepared at the request of the Migratory Labor Subcommittee, U. S. Senate, and is based on a study financed by the New York State Center for Migrant Studies at the State University College, Geneseo, New York. See Herrington J. Bryce, Earnings of Migratory Farm Workers in Wayne County, New York: 1968, Monograph #1, (Geneseo: State University College, 1969).

**A member of the Research Staff, the Urban Institute, Washington, D. C., and of the Economics Faculty, Clark University, Massachusetts.

One reason for the variation in earnings is the seasonal aspect of th harvest. 1/ In Wayne County, New York, for example, the major crops are cherries and apples. Figure 1 shows that sweet cherries are picked in early July and employment might be good for about ten days. Employment may drop slightly for a few days and then improve around the fifteenth of July and reach a peak by early August. Between middle August and middle September, employment drops significantly; it rises and remains good until the first day or so in November. As the picking of cherries is highly mechanized, the period of greatest continuity of good employment is the apple harvest--especially the month of October.

FIGURE I
APPROXIMATE VARIATION IN EMPLOYMENT AND EARNINGS ON FRUIT FARMS IN WAYNE COUNTY, NEW YORK: 1968*



* Based on interviews of thirty growers.

1/ For statistical examples of seasonal variations in harvesting nationally, see Gladys K. Bowles, The Hired Farm Working Force U. S. Department of Agriculture, Agricultural Economic Report 98; Crops Requiring Seasonal Hired Workers, (U. S. Department of Labor); and Aura Rapton, Seasonal Work Patterns of the Hired Farm Working Force of 1964 (U. S. Department of Agriculture, 1965).

During the slack employment periods, some migrants on small farms might do hourly work. Those in larger and more organized crews may travel to other counties to work. In any case, the demand for migrant labor during certain periods of the harvest is low, and earnings fall.

Coupled with the seasonality of harvesting, the rate paid for the harvesting of various crops differs. The piece-rate for sweet cherries, for sour cherries, for apples harvested early in the season and for apples harvested late may all be different. Moreover, there may be one rate for picking a fruit to be sold fresh and one for picking the same fruit to be processed. Further, the rate for picking a fruit from a tree may be different from the rate for retrieving the same fruit from the ground. Since these activities are not performed in the same proportion each week, fluctuations in earnings might occur.

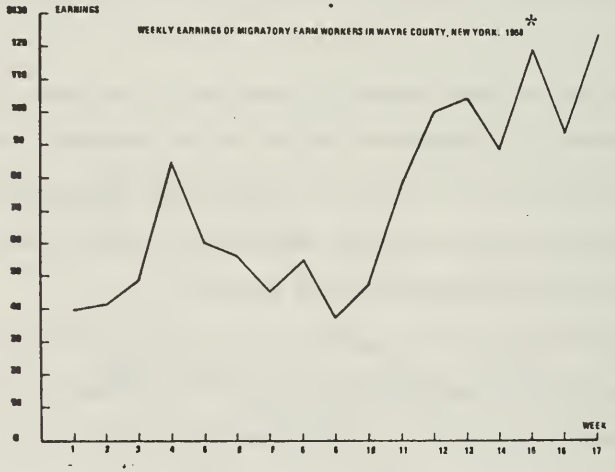
Another factor which causes fluctuations in the earnings of migrant workers is the readiness of the crop for harvest. During the first few days of the harvesting of any crop, picking is selective so as to avoid the trees and fruit which are not ready. This selection process reduces productivity and earnings.

The work habits of some migrants may also cause fluctuations in earnings. Many migrants have very little commitment (or reason for commitment) to a set work schedule or to a single grower. Consequently, a migrant may decide to work three days in one week and six in another or he might work two hours one day and ten the next.

Likewise, he may change his employer or choose not to work because of unsatisfactory conditions of employment, housing, or wages. Fluctuations may also be the result of weather conditions. Excessive mist, heat, or rain will reduce productivity, the total number of hours worked, and earnings.

All these factors make it fallacious to consider one or a few weeks as typical of migrant earnings. Figure 2 shows the results of analyzing actual data on weekly earnings of migrants over a span of seventeen weeks, beginning July 1 and ending November 1. This period covers the entire harvest for the main crops of cherries and apples in Wayne County.

FIGURE 2



*For key to weeks and sample size used in this and other tables, see Appendix, Table A-1.

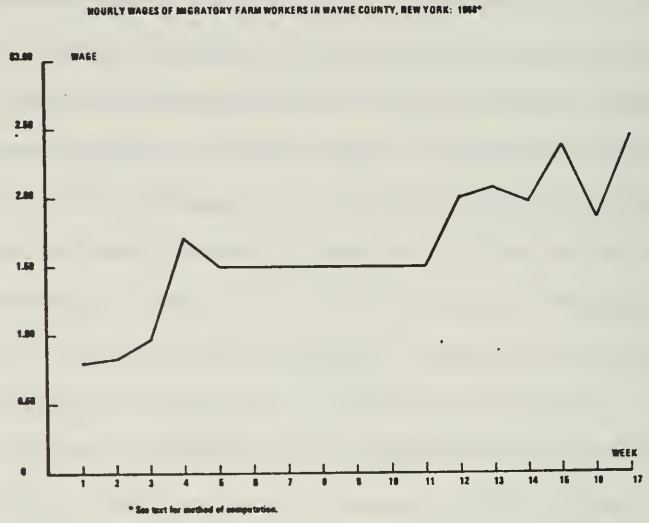
It can be seen that earnings often vary widely. Starting from $40 in the first week, it rises to $86 by the fourth, falls to $38 by the ninth, and rises to $123 by the seventeenth and final week. This see-saw effect is reflective of the weekly variation in employment and differences in crops picked. In the first four weeks or so, cherries are harvested; and, increasingly this is done by machine. From the fifth to about the tenth week, there is little harvesting except for some prunes, pears, and peaches. Many workers do hourly work, and there is a significant drop in employment due to the fall in the demand for labor. From the tenth to the seventeenth week, apples (which are the major hand-picked crop) are harvested. Employment and earnings during this period are highest. The peak occurs around the final week because of the rush to complete harvesting before the migrants return to Florida.

As stated earlier, migrants are paid on a piece-rate basis for picking and on a hourly basis for other chores. This means that even hourly rates fluctuate. Since most of these nonpicking chores are performed from the fifth through the tenth week, an hourly rate is paid during these weeks. It was found that on the average, this rate was $1.50 an hour. A piece-rate applies from the first through the fourth week and from the eleventh through the seventeenth week. To convert the piece-rate pay to hourly terms, the earnings for each week are divided by 50. This 50, represents the number of hours which the typical migrant works during the apple and cherry harvests.

36-513 O - 71 - pt. 7B -- 14

Figure 3 shows the results. It indicates that hourly wages vary from a low of 80¢ in the first important week of the season to $2.45 in the seventeenth and final week.

FIGURE 3



Even the way total earnings are computed might be affected. It will be recalled that migrant employment might be very irregular due to the inadequate demand for their services during certain periods of the harvest or due to their decision not to work. This irregularity might mean the loss of several hours, days or weeks of employment. The inefficient organization of work and use of migrants are additional reasons for the loss of time by migrants. Moreover, some migrants may work very long hours during several weeks of the harvest. All these effects are reflected in the computation of total earnings.

Further, these effects prohibit any simple relationship with the hourly or weekly earnings presented in earlier sections. For example, the mean hourly wage over the harvest as estimated in this study is $1.62. This is important information in itself. However, it does not give any indication of a migrant's total earnings for the harvest. His total earnings will vary with the number of hours, days and weeks he works. Accordingly, the total earnings to be shown in this paper reflect to a significant degree the irregularity of employment--the total number of hours, days, and weeks a migrant may not work for one reason or the other.

The total earnings to be shown are those of migrants who worked at least the first two and last two weeks of the harvest and at least a total of twelve weeks. These migrants can be assumed to have been in Wayne for the entire harvest. To concentrate only on migrants who worked each of the seventeen weeks would be very misleading since it would suggest that adequate employment is always available. In at least five weeks of the harvest, as suggested earlier, this is not true.

Table 1 shows the total earnings of the migrants who meet the conditions set above. It is seen that the total earnings at the end of the 1968 harvest in Wayne range from just under $500 to just over $1800. The median (average) earnings is $1122.

TABLE 1

THE NUMBER OF WEEKS WORKED AND THE RANKING OF MIGRATORY FARM WORKERS BY SIZE OF TOTAL EARNINGS FOR THE HARVEST IN WAYNE COUNTY, NEW YORK: 1968*

Rank	Earnings (dollars)	Number of Weeks	Rank	Earnings (dollars)	Number of Weeks
1	498	12	22	1149	12
2	581	13	23	1158	16
3	627	16	24	1214	14
4	635	13	25	1265	16
5	639	15	26	1284	13
6	678	15	27	1328	17
7	682	15	28	1375	17
8	689	14	29	1454	17
9	723	16	30	1464	17
10	730	16	31	1478	17
11	804	16	32	1554	15
12	839	16	33	1617	17
13	896	13	34	1643	13
14	930	13	35	1662	17
15	1066	13	36	1670	15
16	1068	13	37	1681	16
17	1073	15	38	1687	17
18	1082	12	39	1738	17
19	1086	16	40	1751	17
20	1118	12	41	1814	13
21	1122	17**			

* All the workers whose earnings are listed are considered to be in Wayne for the entire harvest. Variations in number of weeks worked are attributed to the irregularity of employment. See text.

** Median (average) total earnings for the harvest.

JOINT REPORTING

A man, his wife, and his children will frequently work as a unit. This means that although payroll records bear only the name of the head of the household, they really reflect the labor and earnings of the total family--not just a single individual. Chart 1 shows that 30 per cent of the migrant heads of household who were interviewed indicated that their checks reflected the labor of more than one person. Thus, a major pitfall in measuring and interpreting migrant earnings is attributing the earnings of a multiple-person productive unit to a single individual. This leads to an overstimation of the earnings of individuals. For example, the earnings in Figure 4 are impressive, but they belong to a family all reporting on the same check.

CHART I

JOINT REPORTING IN MIGRANT HOUSEHOLDS IN WAYNE COUNTY, NEW YORK: 1968

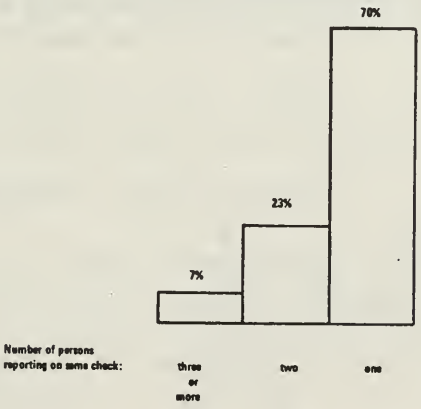


FIGURE 4

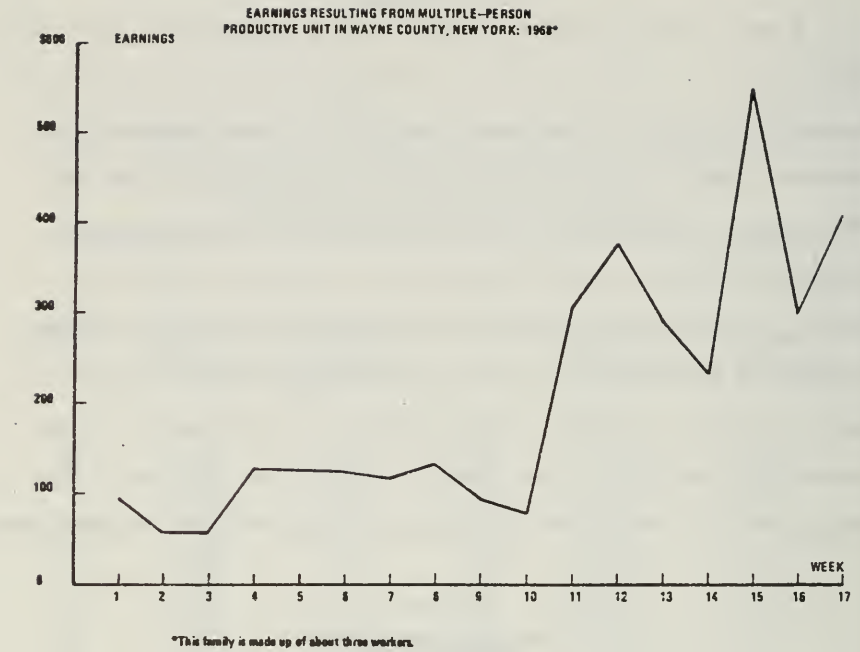
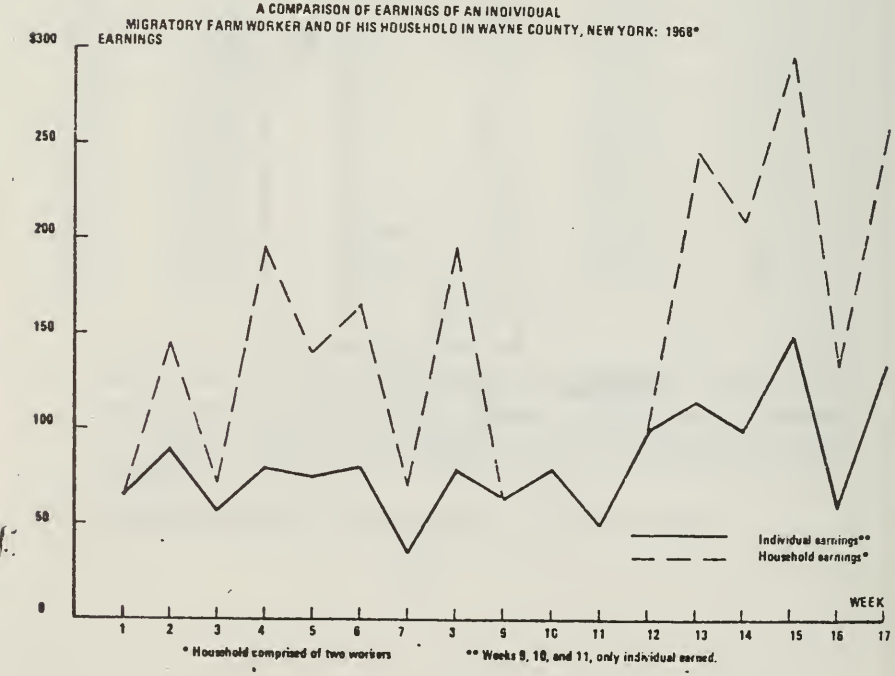


FIGURE 5


A COMPARISON OF EARNINGS OF AN INDIVIDUAL MIGRATORY FARM WORKER AND OF HIS HOUSEHOLD IN WAYNE COUNTY, NEW YORK: 1968*
EARNINGS
$300
250
200
150
100
50
0
Individual earnings**
Household earnings*
WEEK
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17
* Household comprised of two workers
** Weeks 9, 10, and 11, only individual earned.

On the other hand, when each member of the household is paid separately, it is frequently impossible to identify its members to determine the income of the household because all its working members might not use the same surname. This might lead to an underestimation of the earnings of a household. Figure 5 gives an example of the discrepancy.

MULTIPLE EMPLOYERS

The use of earnings data obtained from a single grower is likely to lead to an underestimation of the earnings of a migrant. A migrant might work for several growers during a harvest, and there is frequently no centralized bookkeeping of his earnings. Away from home, a migrant usually lives on a grower's property. This grower is his main employer. However, once harvesting for this grower is completed, the migrant might go to another farm in the area to work while maintaining his residence and obligations to his main employer. His main employer frequently will not have a record of how much the migrant earned while working for others. Consequently, the use of the payroll record of a single grower may result in the underestimating of migrant earnings.

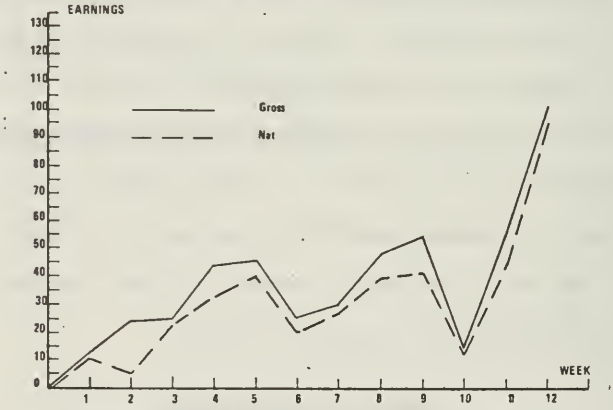
GROSS AND NET EARNINGS

The earnings of migrant workers can frequently be misinterpreted unless it is specified that the figures are gross or net of certain adjustments.

The deduction of social security, rental fees, or repayment of debt could substantially reduce the apparent earnings of a migrant. Thus it is necessary to distinguish between the gross earnings of a migrant worker and his net earnings after adjustment if a serious error in measurement is to be avoided. Figure 6 which is based on the actual weekly earnings of a single migrant illustrates the varying margin of error which can be committed when gross and net earnings are confused.

FIGURE 6

AN EXAMPLE OF THE DIFFERENCE BETWEEN GROSS AND NET WEEKLY EARNINGS OF A MIGRANT*



*Based on actual payroll data for a single migrant in Wayne County, New York, 1968. About 90 percent of the difference between gross and net earnings in this case is due to the repayment of loans for grocery, the remainder is due to rental fee, repayment of transportation (approximately 5.4 per cent) and social security (4.4 per cent).

DISUNIFORMITY IN METHOD OF PAYMENT AND IN BOOKKEEPING

There is no uniform way of paying migrants. Payment is usually on a piece-rate basis for picking, and on an hourly basis for other chores. Moreover, as stated earlier, the going piece-rate varies from crop to crop. It may also vary from farm to farm and among orchards on the same farm, depending upon the difficulty of reaching the fruit.

There are also subtle differences in the unit in which the efforts of migrants are measured; for example, in the case of cherries, migrants are paid by the pail while for apples they are paid by the basket, box, bin or crate. Pails, baskets, boxes, bins or crates differ in size. Sometimes these differences are sizeable. One grower might use an eight-quart pail and another a twelve-quart pail. One might use a one-bushel basket and another an eighteen or twenty-bushel bin. Even when two containers of the same size are used, there might be differences in when one is considered full.

The comparability of earnings might also be affected by the way migrants are paid. Some are paid by cash, others by check. Sometimes a grower pays a lump sum to a crew leader or contractor who in turn disburses the funds to individual migrants. The degree of accuracy in the transactions and in the type of records kept under these three systems are likely to vary.

As a matter of fact, the quality of record-keeping varies from farmer to farmer. It is not unusual to find records comprising of bits of paper. Commonly, there is no time-keeping on farm, and therefore no record of the actual number of hours worked by migrants. As stated earlier, it is often impossible to tell from the records whether wages are those of a single individual or of a family unit.

THE BONUS SYSTEM

To induce migrants to remain until the end of a harvest, growers use a "bonus system". Sometimes this system is based on withholding a part of the worker's earnings until the end of the season. Other times the bonus will be in excess of the going piece-rate. The going rate might be $4.00 a bin, but at the end of the season another twenty-five cents may be paid for each bin picked. In measuring and interpreting the weekly earnings of migrants, the amount as well as the type of the bonus system must be taken into account if earnings are to be accurately measured.

COMPARABILITY OVER TIME

Perhaps one of the most dangerous pitfalls in interpreting the earnings of migrant workers is the temptation to generalize from one year to another. Table 2 offers an example of how much wages might vary for the nation as well as for an individual state from month to month and year to year. Different crop conditions from one year to the next will frequently affect the earnings of migrants. On the other hand, a bad crop or increased mechanization of farms might reduce employment and earnings. The seasonal variation in harvesting mentioned earlier, could cause earnings to vary monthly or even weekly.

TABLE 2

AVERAGE FARM WAGE RATES: NEW YORK STATE AND UNITED STATES, QUARTERLY: 1964-66

Area and Month	Average Wage Rates Per Hour 1/ 1966	1965	1964
	Dollar	Dollar	Dollar
United States			
January	1.24	1.19	1.14
April	1.28	1.18	1.14
July	1.26	1.17	1.13
October	1.18	1.09	1.01
Annual average	1.23	1.14	1.08
New York			
January	1.28	1.22	1.21
April	1.30	1.24	1.22
July	1.32	1.25	1.22
October	1.34	1.26	1.24
Annual average	1.32	1.25	1.23

1/ Without board or room.

Source: William Metzler, Ralph Loomis, and Nelson Le Ray. The Farm Labor Situation in Selected Areas, 1965-66. Agricultural Economic Report No. 110, U. S. Department of Agriculture.

COMPARABILITY OVER GEOGRAPHIC REGIONS

Migrant earnings are not the same across the nation. Farm wages are highest in such states as California, Massachusetts and Connecticu and lowest in the South--especially in South Carolina. Maitland and Fisher have shown that there is a wide regional difference in the wage of farm workers (not all of whom are necessarily migrants). In some areas, like Texas and Florida, the supply of labor is the most important reason for this variation. In other areas like Maine and the Lake Ontario region of New York State, the demand for labor is the most important explanatory variable. In other areas, like Washington and part of Oregon, neither demand nor supply variables are of crucial importance. 2/ Other factors which might cause migrant earnings to vary across the nation are the crops harvested, the state minimum wage for migrants, and the extent to which farm workers are imported. This latter factor is important, since aside from the federal and state minimum wage laws, there is a minimum which growers must pay domestic migrants if they intend to import foreign workers. This minimum varies from state to state. 3/ These factors give rise to the possibility of serious error if migrant earnings are generalized from one region to another.

2/ Sheridan T. Maitland and Dorothy Fisher, Area Variations in the Wages of Agricultural Labor in the United States, (U. S. Department of Agriculture, Technical Bulletin No. 1177, March 1958).

3/ Phyllis Groom, "Today's Farm Jobs and Farmworkers," Monthly Labor Review April 1967, p. 2.

COMPARABILITY OF FARM AND NONFARM EARNINGS

Farm and nonfarm earnings are not strictly comparable. Unlike the nonfarm sector, growers frequently provide housing to migrants at no rental fee or at a nominal fee. A judgment must be made regarding the money value of this housing. How much is this housing worth to the migrant? How should we compute its value to them? Should a method which reflects a fair rate of return to investment in migrant housing be chosen over one which reflects the amount migrants are willing and able to pay for similar housing on the open market? Are such houses available in the open market? Should it be assumed that the value of such housing was discounted by growers in the determination of their wage offer? These are not easy questions to answer. Yet, some judgment is necessary if a comprehensive picture of migrant earnings is to be drawn.

Unlike the nonfarm sector, growers frequently make or underwrite loans to migrants at no direct charge. These loans are most frequently made to cover transportation cost from the South to the North or to cover grocery bills. The cost and risk associated with the loans for grocery and similar type expenditures should be considered part of the earnings of migrants. Expenditures for transportation to and from the South is a cost for the transfer of labor; i.e. a travel rather than a commuting expense and should, as in the nonfarm sector, be met by the employer. 4/

4/ It has been estimated that a third of all migrants travel 400 or more miles from home to farm and one fifth travel a thousand or more miles. "The Migratory Farm Worker," Monthly Labor Review, June 1968.

In the farm sector, this cost is paid by the migrant (often through a loan from the grower). The failure to deduct this cost when measuring and interpreting the earnings of migrants will lead to an overestimation of their real earnings.

Earnings in the farm and nonfarm sector differ in another way Earnings in the farm sector are not buttressed by fringe benefits which are typical in the nonfarm sector. A migrant earns only when he works. If he is sick or if it rains, his productivity and number of hours worked might fall, and so might his earnings. Migrants have no unemployment insurance, or sick leave. Although there was a national minimum wage of $1.15 in 1968 which rose to $1.30 in 1969, this minimum is frequently of limited relevance since most migrants on fruit and vegetable farms are paid on a piece-rate basis for most of their work. Thus, when comparing the earnings of migrants with those of nonfarm workers, it is important to remember the high, unprotected risk associated with migrant earnings.

CONCLUSIONS

This paper has discussed major pitfalls in the measurement and interpretation of migrant workers. It has attempted to show that: seasonal as well as other fluctuations in migrant earnings mean that no single week or two may be taken as typical; joint reporting makes it difficult to distinguish the contribution of an individual from that of a family; the payroll record of a single grower might not give the total earnings of a migrant; gross earnings are frequently well above net earnings; the method and rate of pay vary by crop,

chore, and unit of measurement of work; the bonus system distorts weekly earnings; the earnings of migrant workers are not strictly comparable over time, region, or with nonfarm earnings.

A study which I conducted in Wayne County, New York in 1968, took these pitfalls into account. The following conclusions were drawn from the data. 5/

The analysis of the weekly earnings and hourly wages of migrants reveal the following:

1. Migrant earnings vary widely from week to week during the harvest. From a low $40 in the first week, it reaches a high of $123 in the final week.

2. Hourly rates, like weekly earnings, vary widely from week to week. At its lowest it is 80¢, and at its highest it is $2.45.

3. Over the entire harvest, migrants may net 47¢ more per hour than the federal minimum for agriculture; and 22¢ more than the proposed state minimum for agriculture.

4. Assuming that an individual migrant could be employed in his home state of Florida at the prevailing rate for laborers, he sacrifices an average of 45¢ an hour for every hour he works over the seventeen-week harvest in Wayne.

The analysis of the total earnings of migrants at the end of the harvest shows the following:

1. The average migrant earns $1122.

2. A worker who has a steady job at the lower federal minimum for agriculture or at the proposed state minimum for agriculture, might nevertheless earn more than a large number of migrants over the period of the harvest. This is due to the irregularity of migrant employment.

5/ See Herrington J. Bryce, op. cit. I have attempted to recommend policies for improving migrant earnings in "Alternative Policies for Increasing the Earnings of Migratory Farm Workers," Public Policy (Spring 1970).

3. A migrant who could get a steady job as a laborer in his home state of Florida is likely to sacrifice at least $410 by coming to Wayne. This is due both to the irregularity of employment and the lower wages in Wayne.

4. The cost of the irregularity of employment to the average migrant during the season is likely to be nearly $370.

The hourly wages of migrants in Wayne County are higher than state or federal legal requirements. However, for many migrant workers the irregularity of migrant employment makes it less profitable over the harvest than a steady job at the lower legal rates. Moreover, a person who could be employed at a steady job as a non-agricultural laborer in Florida (the home state of many Wayne migrants) would be better off doing so than coming to Wayne as a migrant. This latter point is true because his potential hourly wages, regularity of employment and, consequently, total earnings are likely to be less in Wayne. These findings might provide one reason why growers have been experiencing increasing difficulties in attracting the migrants they wish, although they might pay higher rates than are legally required.

Appendix

TABLE A-1

KEY TO WEEKS AND SAMPLE SIZE

Week Number	Date	Number of Workers in Sample*
1	July 7 - 13	58
2	14 - 20	76
3	21 - 27	78
4	28 - Aug. 3	66
5	Aug. 4 - 10	65
6	11 - 17	60
7	18 - 24	57
8	25 - 31	57
9	Sept. 1 - 7	47
10	8 - 14	57
11	15 - 21	74
12	22 - 28	85
13	29 - Oct. 5	87
14	Oct. 6 - 12	89
15	13 - 19	87
16	20 - 26	83
17	27 - Nov. 1	48

*Sample size varies because the number of workers reporting some earnings each week varies.

36-513 O - 71 - pt. 7B -- 15

Appendix

TABLE A-2

AVERAGE HOURLY RATE
AND NUMBER OF HOURS WORKED BY
MIGRATORY FARM WORKERS
IN WAYNE COUNTY, NEW YORK, 1968:
BY WEEK

Week Number	Date	Average Hourly Rate*	Average Number of Hours Worked
1	July 7 - 13	$0.80	50
2	14 - 20	0.82	50
3	21 - 27	0.98	50
4	28 - Aug. 3	1.70	50
5	Aug. 4 - 10	1.50	41
6	11 - 17	1.50	37
7	18 - 24	1.50	29
8	25 - 31	1.50	37
9	Sept. 1 - 7	1.50	26
10	8 - 14	1.50	32
11	15 - 21	1.50	53
12	22 - 28	2.00	50
13	29 - Oct. 5	2.08.	50
14	Oct. 6 - 12	1.98	50
15	13 - 19	2.38	50
16	20 - 26	1.86	50
17	27 - Nov. 1	2.46	50

It is assumed that the average worker worked 50 hours a week during the first through the fourth and the twelfth through the seventeenth week of the harvest; and that the average hourly rate during fifth through the eleventh weeks is $1.50.

4747

LABOR WASTE IN NEW YORK: RURAL EXPLOITATION AND MIGRANT WORKERS

WILLIAM H. FRIEDLAND

Reprinted from February, 1969 *Trans*-action, pages 48-53
Copyright 1969 by Transaction, Inc., St. Louis

Labor Waste in New York Rural Exploitation and Migrant Workers

By overlooking his inefficiency the migrant employer is harming himself and exploiting the laborer

WILLIAM H. FRIEDLAND

Ever since Congress restricted the importation of Mexican "braceros" into the United States in 1963, farmers have complained about a shortage of seasonal workers to harvest their crops. In fact the number of migrant workers began to decline in the late 1950s. Due in part to mechanization, the decreasing availability of labor created uncertainty among agricultural employers. The removal of more than 150,000 foreign agricultural workers from the labor force in 1964 compounded their anxieties.

While the cutback in foreign labor only indirectly affected East coast agriculture (it had mainly depended on domestic workers), the labor shortage was keenly felt. In New York State, in particular, the number of interstate farm workers has decreased by more than 40 percent since 1955. New York State farmers interviewed during the summer of 1966 uniformly complained about the amount of crops to be harvested and the small numbers of workers coming North. Camps were not filled to capacity. To salvage the potatoes that might otherwise be left in the ground, they finally offered college and high-school students in Central New York double the wage rate paid to migrants.

The farmers attributed the decline of migrant workers to several factors. They felt that the general increase in non-agricultural employment in the United States drew workers out of agriculture. The cessation of migration from Mexico had made East coast migrants interesting to employers elsewhere and incentives were being offered to redirect the labor supply to the Midwest and California. The farmers also contended that the increased stability in employment and longer growing season in Florida cut down the numbers of people who might otherwise move North.

Troubled by the shortage of migrants, many farmers believed that mechanization was the solution to their problems. In some cases, mechanization was out of the question either because the hardware had not been developed or because the equipment costs were too high. In others,

Although some migrants work with machines such as this potato conveyor, most do stoop work in the fields. Picking ability is still the most valued skill.

The farmers favored mechanization but were reluctant to employ it since they believed that migrant crews would bypass their area, leaving the crops that could not be handled by a machine unharvested.

Though the farmers were convinced that the decline in the number of migrants was serious, my study of migrant labor practices in New York State indicates that the shortage is due more to their inefficient use. Each day time was wasted because of inadequate scheduling, planning, and direction. A system which is inefficient and allows for maximum exploitation and minimum incentive to the migrant worker was observed.

Labor Waste

On New York State farms, labor is still treated as if it had no intrinsic value; its use is based upon attitudes and patterns that were developed when labor was plentiful and cheap. The following list incorporates some of the forms of labor wastage found in migrant camps during the summer of 1966:

Wastage: Poor Scheduling

1. In many crews there is no set time when work begins and considerable time is therefore wasted as crew members are assembled in the morning. The same is true at the end of the day; rumors spread that work is to end shortly and workers stop, only to find that the crew leader expects them to continue. Because there is no fixed time for quitting, the bulk of the crew must wait until a few slower pickers fill out their last unit.

2. Crews are often rushed to the fields only to wait—up to 1½ hours—for the crops to dry.

3. Crews are occasionally assigned to pick a field for the second time when a richer first-pick field is available.

4. A small field can be completed in a half day is assigned to a crew; under such circumstances, workers often refuse to move to another field.

5. When a move is necessary during the day, long distances between fields frequently discourage workers.

6. In some cases fields have to be prepared before workers can begin picking (e.g., potatoes). Such preparatory work usually is not done in advance and the crew must wait until it is.

Wastage: Poor Planning

1. Where a child-care center is available, it often does not open on time. In such cases, the entire crew must wait until the center opens for the children.

2. Lunch wagons often fail to appear and workers either have to work on empty stomachs or make trips to stores to purchase food.

3. The failure to provide hampers, on occasion, means that the crop is stacked on the ground. Workers later have to load the crop in a second (and unpaid) operation.

4. After the field is picked, the crew has to remain until the crop can be weighed. The weighing trucks are often late.

Wastage: Poor Direction

1. Fields are not always easy to find and drivers occasionally lose their way.

2. Crews must wait until the crew leader and the farmer confer over which fields are to be picked.

3. The failure of the farmer to be on hand when the crew appears means that the crew is idle.

4. Confusion in lining workers up in the fields frequently means false starts or other irritations.

5. On completion of the job, the crew occasionally must wait on the bus while the crew leader negotiates payments.

Wastage: Poor Equipment

1. Many busses are unable to start.

2. Busses break down en route to or on return from the fields.

3. Hoes and other tools are not sharp and are not prepared for workers on their arrival.

The burden of labor wastage is placed directly upon the migrant; the time wasted is time he is not paid for. But

given the existence of alternative forms of employment today, the old structure of migrant labor with its inherent defects in planning work has created a burden for the farmer as well. Employer attitudes have produced, over the years, a continual deterioration in the work attitudes of the migrants.

Farmers look upon their workers in much the same way that industrial employers did many years ago. Typically, farm employers express beliefs that migrants are lazy a that little or nothing can be done to increase productivit They frequently contend that "there's no point in payi higher wages, they'll still quit when they've earned $3 f the day." Whether true or not, this attitude toward e ployees precludes any serious approach to change t situation. Indeed, farmers have developed a whole syste of practices that prevent greater efficiency. The prime e

Migrant Workers: How They Live

During the summer of 1966, migrant labor camps in New York State were studied, two intensively through the method of participant observation. Both camps were occupied by Negro crews. The Main Camp, owned and operated by a farmers' cooperative, housed up to 750 people and was shared by seven crews. For the most part, each crew lived as though it were in a separate camp. A small, single crew setup, Short Camp handled no more than 50 people. Because of its size, it did not have the auxiliary facilities of a mail service and pay phone provided at the Main Camp.

Crew Leaders

Four types of crew leaders were observed in the intensively studied camps. Each had his own style of leadership which, in turn, produced significant variations in the social interaction and work productivity of his crew.

The Village Chief: Goober's crew was among the largest, recruited almost entirely from his home town. Families and older people regularly went North to the Main Camp with him and were controlled through a system of social dependency. Beyond the normal credit arrangements for food, Goober provided transportation to town, loaned money on occasion, and purchased Cokes and other small favors for crew children. Significantly, productivity in Goober's crew was high. His members were selected with great care and before the end of August, only one percent had dropped out of his crew.

The Pater Familias: With a large number of sons, daughters and grandchildren augmented by distant kin, Big Daddy's crew had a remarkable record of productivity—the highest in Main Camp. Additional members were recruited haphazardly as Big Daddy started the trip north but by the end of the season, he was left almost largely with his kin.

The Coal Baron: Feared and disliked by most crew members, Tim exerted force either through the manipulation of wages and credit, through threats that he wouldn't pay wages or through physical force. Most crew members were young, single men picked up as he traveled north, recruited with promises of high wages and excellent living conditions. From the day his crew arrived in camp, members dropped out and before a month was over, he lost over half his crew.

The Manipulative Democrat: Lincoln had no kin within his crew other than his wife and young children but the crew had been assembled with some care. Because it was small, he had continuous contact with each person. He rarely issu unilateral orders and sought to control his crew throug consensus. Carefully structuring the basic arguments befo asking his questions, his point of view usually prevailed. Lil the Village Chief, he manipulated social dependency link lending his truck to responsible crew members so they cou travel to meet people in other camps. At Short Camp, this w an important favor for the young men since the crew ha few unattached women. Like Goober, Lincoln's dropout ra was negligible.

Crew Members

The crew members differentiated themselves according to prestige system that places those with picking ability at t top. Although productivity was fairly low, the ability to pic well was regarded as a significant skill. Benjamin, a notoriou alcoholic in Goober's crew, was able to claim high presti because of his productivity.

Verbal and game skills were also highly valued. Migra workers frequently engage in rapid, semi-humorous an hostile repartee including "playing the dozens"—the aim o which is to defeat an opponent by attacking his mother. Th ability to play cards and checkers as well as several game which are not found in white society were sources of en hanced status too.

Within almost every crew there were homosexuals, usuall only among the males. Homosexuality was treated negativel but semi-humorously. In Goober's crew, for instance, on homosexual called "Marilyn Monroe" dressed as a femal and was referred to as "she" and "her." Marilyn Monro used toilet facilities indiscriminately and was accepted i both male and female units. "She" was accepted with affec tionate contempt by crew members.

Alcoholics were at the bottom of the scale, recognized wit almost universal contempt by other crew members. Mos were unable to work or could rarely earn more than a dol lar or two per day. They constituted an economic drain on th other workers who felt obliged to provide them with, a least, the remnants of food.

Crew Culture

The most significant aspect of life in the migrant camps was the lack of trust between members of the same crew with regard to money, clothing and personal possessions. The doors to rooms were almost always locked even if a crew member was leaving for only a brief period of time. There was a higher degree of trust in kinship relations but even here we found a substantial amount of suspicion.

The high level of violence found in migrant labor camps is due mostly to the instability of life there. When there is relatively little work, and crew members have no income, tensions and anxieties are immediately manifested through fights. On

nple of this is the continued dependence of many farmers
n the crew leader.

Most farmers prefer to avoid contacts with migrants and
ave the control of work to the crew leader. An ex-migrant
ho becomes a labor contractor by virtue of his ability to
rchase or inherit the means of transportation, the crew
ader is the primary mediating influence between the
orkers and the farmer. Because white employers feel that migrants are unpredictable and violent, and because crew members—mostly Negro—view the white world as unpredictable and dangerous, both depend on the crew leader. In a variety of roles, he has enormous power over his crew and their productivity.

An owner of transportation, usually school busses and trucks, the crew leader is also an entrepreneur in the sense that he risks his capital in contracts with employers

---

e whole, the patterns of violence found in the camps were
ry limited, consisting almost entirely of fist fights and oc-
sional knife fights. When these occurred, slashing but not
abbing was the rule.

Migrants almost invariably direct their tensions inwardly
gainst each other. The one manifestation of violence against
e external society was in the form of property damage.
During a cold spell at Main Camp, a pump house was de-
royed to build fires since the heat in the housing units was
ot turned on. But property damage was not always directed
practical ends. At times, parts of buildings might be torn
own for no ostensible purpose while migrants watched and
aughed.

There were two sharply divergent tendencies toward work.
here were those who took considerable pride in their ability
pick and those who had a cooler attitude. Both could
e present in the same person at different times depending on
hysical and personal conditions. Demonstrations of the
bility to outpick one's friend occurred frequently as individ-
al competitiveness was valued. But when fields were bad,
when workers were brought in for a second picking, when
ong periods of time had been wasted getting to the fields,
orkers not only had little direct interest in their work but
ctively discouraged others from working. During gloomy
eriods, the workers expressed distrust of the entire system,
ommenting that the weighing scales were fixed, that the
rew leaders and farmers were cheating the workers.

The migrant's life is dominated by fear of the larger white
ociety. "Split personalities" were prevalent; many migrants
were hostile and aggressive toward other migrants while they
were meek and fearful of whites. Fear was illustrated by the hesitation of migrants to ask for the key to the men's room while their truck was at the gas pump. While shopping, extreme caution was displayed in entering stores.

The migrants in Main Camp, however, had considerable contact with the outside society. Besides their contacts with social-service agencies, the camp was prey to a host of individuals—mainly Negro—from nearby communities. Some, who were ex-migrants, came to encourage friends to move to town. But most came to make money. On weekend evenings, a large number of visitors came to gamble. They moved from one "juke" (camp restaurant) to another. Several would enter the juke together and begin to gamble, eventually attracting the migrants. The migrant was usually the loser since the visitors would break up a game when a buddy was losing.

"The Sunday bazaar" was another form of parasitism. The camp then became an outlet for secondhand and sometimes stolen goods. Hawkers urged migrants to put a down payment on TV bargains. Everything from toothbrushes to stereo sets were offered at prices that could be bargained on. Many of the larger items were sold by the "black-market man" and were believed to be, and might have been, stolen goods. Prices were high for some commodities given the condition of the goods; old and discolored clothing at $1.10 for a shirt, $2.00 for pants, and 25¢ for socks; a secondhand watch cost $7.50; $40 could buy an unseen stereo. Some hawkers were professional, others merely families selling personal goods.

Material adapted from William H. Friedland's "Migrant Labor: A Form of Intermittent Social Organization," *ILR Research*, Vol. III, No. 2, November 1967, prepared with the assistance of Dorothy Nelkin.

In the camps, fighting, gambling and horseplay are common.

and in recruiting workers. Once he arrives North, the crew leader's role changes to that of camp manager. Responsible for the direction and maintenance of his crew within the camp, he provides food, alcohol, and auxiliary services including transportation. He maintains law and order in the camp, transports labor to the work site and, at the field, acts as job foreman allocating specific tasks to workers, managing all aspects of the operation until the produce is actually delivered to the packing houses. In addition, the crew leader serves as a banker to his crew, lending them money either directly or through credit for food, alcohol or transportation.

The crew leader can sometimes earn as much money, if not more, from these peripheral roles than he can from the output of his crew. Indeed, when the farmer abdicates control of work organization to the crew leader, he yields it to a person whose interests in productivity have little relation to his. But though the crew leader has many talents, he is in most cases unable to cope with the problems of effectively managing workers.

The maintenance of control within the camp and the work place, for example, is one crucial responsibility that the crew leader honors more in the breach than in reality. Theoretically, his role as "provider" gives him the leverage to control the output of his crew, to ensure that workers turn out for work every day and that they work steadily and regularly in the fields. The crew leader, however, has little experience preparing him to deal directly with problems of efficiency let alone the power to make decisions and plans crucial to determining the organization of work. More than half of the examples of wastage cited above are beyond his control, developed in part from the lack of communication between employer and those working for him.

Migrant Attitudes Toward Work

The effects of labor wastage upon the migrant are clear. In none of the examples cited are migrants paid for time lost. The migrant can only conclude, and does, that his time has no value. Prey to the other exploitative structures (the high cost of credit, food, and alcohol) and other debilitating experiences (the lack of control within the camps, the unpredictability of life, and the non-existence of savings structures), the migrant has little incentive to work more effectively or to accumulate income. The daily loss of time, frequently amounting to 25 percent of work time, cannot possibly be conducive to productivity. If it is made continually clear to a person that his time is of no value, it can hardly be expected that he will hurry to get on the bus in the morning or utilize his time well while in the fields.

No attempt is being made here to argue that migrants have a "Protestant Ethic" toward work which is drained from them by the present structure. In all employment situations, there are many types of attitudes toward work: attitudes that support working hard and others that do not. But in all employment relationships it is necessary to create structures which maximize the productivity of all employees. Although many migrants come North with the intention of earning more than a subsistence wage, productivity even among the best workers is low. Their intentions are rapidly squelched by two aspects of the present structure of migrant labor.

First the system of employee recruitment is inadequate and imposes serious economic hardships on the migrant. Because of the ostensible shortage of workers, farmers all too frequently hoard labor by getting their crews on hand early or by keeping them between an early and a late season. Thus, already in debt to the crew leader who usually supports him en route, the migrant arrives in camp only to find that work will be sparse for some time. During this period, his debt to the crew leader who supplies food on credit, increases. By the time the season starts, the worker's expectations have been realistically set at simply maintaining himself.

Asked how much money they expected to take back South, one migrant summed up most attitudes saying: "I'll break even; I came up with nothing and I'll leave with nothing." Some replied that they might make $30 or "$100 $200 if I'm lucky." The northern trip is now viewed as necessary to "get through" the year while work in the South is seen as a time when some money is made. Based on the low wage levels and irregularity of work in New York State, these attitudes create the "$3-a-day" syndrome with which farmers justify their low wages.

Second, low productivity is related to the day-to-day organization of work in the fields. Sending a crew to a field which has had a first picking or to a small field which can be finished in less than a day, or where, for whatever reason, the picking is poor, is feasible only when there is a surplus of labor. Not only is the work slower and more tiring in such fields but a change of fields during the day entails a loss of time in transport. Workers become discouraged and refuse to continue to work.

Until closer planning and scheduling are introduced, the present organization of work cannot yield higher outputs by migrants. Discouraged by the conditions, migrants have developed four responses:

1. Griping. "They have no business bringing people to a field like this." "I'll never come North again; it's not worth it."

2. The walk-off. If the field is considered poor, migrants will leave saying, "It doesn't pay to kill yourself for things like this."

3. "Target" working. "I'll just get enough to buy my dinner and a bottle and I'll quit."

4. The slow-down. This most common response occurs particularly when workers are paid by the hour but is also found on piecework jobs. The technique is old and well-established: one looks busy by standing or squatting in a working position without doing much work. If one works harder than the others, on hourly work, sanctions are strong and immediate: "Don't take us out of a job."

Even for the productive individual, the organization of work is a discouraging one. Movements of crew, poor fields, poor planning and scheduling, and breakdowns of equipment mean that he can rarely earn $10 a day *even if he is prepared to work extremely hard*. Exploitation by the crew leader and the difficulty of saving money all add up to few built-in incentives that can support the productive worker. He soon takes on the attitudes of the prevalent migrant culture or drops out of the migrant labor stream.

In 1952, Arthur M. Ross and Samuel Liss prepared a report for a Senate hearing on migrant labor saying:

. . . the contractor system is a highly effective device for transferring the risk of agricultural employment to the workers. It is a sound principle of industrial relations that the various economic risks incident to employment ought to be distributed fairly or else insured against. This principle is notably absent in agricultural harvest work. Anyone familiar with urban industrial relations would suppose, for example, that employers would have some responsibility for workers who are brought to a work situation and held there for several weeks although no work is furnished to them. In agriculture, however, it frequently happens that the workers are brought into a grower's camp, upon specific instruction from the grower, several weeks before they are needed, and remain entirely on their own until work begins, unless public charity is available or the contractor is willing to give advances of money or of credit. The situation is the same whether the lack of work is due to the vagaries of weather, the conditions of the market, miscalculation on the part of the grower, or any other reason. . . . Whatever the source of risk, it is borne by the individuals who are least able to undertake it.

Seventeen years later little has changed despite the fact that Public Law 414 adopted in 1963 requires the registration of labor contractors and the exclusion of non-Americans from seasonal work. The system remains much as Ross and Liss described it and the migrant workers themselves—those least able to undertake the cost of the risks of harvest—continue to sustain most of its costs because of an outmoded system of production.

But the adoption of Public Law 414 has created the base for a serious change in agriculture. The shortage of labor it imposes by its restrictions on braceros, can induce farmers to change the organization of work and control of labor. Pressure to develop techniques for effective manpower direction can be applied by farmers on the agricultural colleges, research stations and extension services that have made American agriculture the powerful force it is today. Yet as long as farmers continue to look to "hardware" as the only solution to their problems, labor will continue to be managed by mechanization, by getting rid of it.

The long experience of industry will have to be brought to bear on the managerial problem. Farmers will have to internalize the idea that labor has intrinsic cash value and that its efficient organization is crucial to the farmers' own welfare. The incentives which must be brought to a new organization of work not only have to do with better wages but with better planning, organizing, scheduling, and controlling. When those people interested in more than minimal survival learn that they can earn money, the trip North will again become attractive to better workers.

Any conclusions with respect to policy must be formulated in the most tentative way since the research reported here is preliminary and much additional work remains to be done. The experience of field work, however, indicates that careful planning of an even rudimentary nature can eliminate some of forms of wastage noted. Individual farmers, for example, can provide crew leaders and their bus drivers with maps that get them to the fields without getting lost. Scheduling of work can take place more effectively. Farmers can exercise greater control over order in their camps rather than abdicating their responsibility. Savings systems can be created to encourage better workers to accumulate money. Or farmers can insist that pricing of food provided by the crew leader be less exploitative.

While these and many other changes are possible, the likelihood remains that mechanisms that ensure greater equality in the sharing of economic risks will be required if a significant proportion of the migrant population is to be effected. The experience of urban industry has shown that only when the employer bears the financial costs of inefficiency does he become significantly motivated to insure more effective management.

Legislation requiring door-to-door wages (from the South), the guarantee of an eight-hour day after arrival in the North and/or the guarantee of a fixed number of days of work are just some ways the risks of harvest can be redistributed. Until the cash value of labor is made explicit to agricultural employers through external pressure, few changes in farmer attitudes will be forthcoming. Legislation that throws the burden of risk upon farmers would produce an immediate reaction from the research agencies associated with agriculture who would begin to provide techniques of more effective management almost immediately. The consequences for efficiency in agriculture and living standards for migrant workers would be enormous.

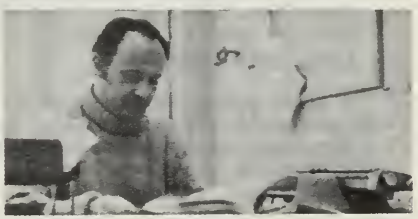
FURTHER READING SUGGESTED BY THE AUTHOR:

Men on the Move by Nels Anderson (Chicago: University of Chicago Press, 1940). Although outdated, this is a definitive sociological work on agricultural workers.

The Slaves We Rent by Truman Moore (New York: Random House, 1965) is a first-class journalistic account of the situation of migrant workers throughout the country.

The Ground Is Our Table by Steve Allen (New York: Doubleday, 1966). Written in anger from his personal experiences with poverty, this book focuses on agricultural labor in the Southwest and includes an enthusiastic endorsement of the Chavez organization.

Farmers, Workers and Machines: Technological and Social Change in Farm Industries of Arizona by Harland Padfield and William E. Martin (Tucson: University of Arizona Press, 1965). This book contains economic data on various crops and also empirical data on agricultural workers in Arizona with special emphasis on differences in ethnic groups.



William H. Friedland is associate professor, New York State School of Industrial and Labor Relations, Cornell University. In July, 1969 he will join the University of California at Santa Cruz as professor of community studies and sociology. His prior research followed from field work in Africa, primarily Tanzania, and he is currently preparing a book dealing with migrant labor as a social system with Dorothy Nelkin.

AGRIBUSINESS, U.S.A.:

Management Responsible Only To Itself

A Background Paper by A. V. Krebs Jr.

I

No class of people or type of worker in America today have become more thoroughly exposed to the raw corporate power of the American economic system than the nation's 3.1 million farm workers.

Between 1960 and 1967 corporations in the United States had $421.6 billion left over after payments to stockholders. After investing $365.8 billion in new plants and equipment there remained some $55.8 billion.

As many corporations begin to plow these enormous resources into agriculture and tighten their grip on the vertical integration of the food industry they assume in A.A. Berle's words "self-contained control and management is thus responsible to itself."

In seeking to discover who are America's "new farmers" an observation by Nicholas Pileggi in a May 18, 1968 Saturday Evening Post article on the Harvard School of Business is worth noting.

> Novitiates of a new priesthood, B School students have been trained to administer giant corporations, not to own them; to plan cities, not to govern them; to organize underdeveloped countries, not to run them. They have learned that it is nobler to manage than to possess, because in administration lies real power.

It is this power which is part of the everyday reality in a farm worker's life and which most Americans still mistake for the hardiness, industriousness and independence which characterized the farmer of an era rapidly fading from the American rural scene.

In 1968 with cash receipts from farm marketings over $48 billion, food was this country's largest industry. The $124.6 billion consumers spent for food during the year was over 23% of their total consumption expenditures.

The millions of jobs now dependent on the transporting, processing and packaging of food are vital to the economy of the world's most affluent nation.

Yet the person who is in large measure responsible for this wealth and abundance, the American farm worker, continues to remain economically powerless. As the 1969 Report of the U.S. Senate Subcommittee on Migratory Labor stated: "No other segiment of our population is so poorly paid yet contributes so much to our Nation's health and welfare."

Denied by law the right to organize and bargain collectively, excluded in several states from minimum wage laws, the farm worker with a 1968 average wage of $1.43 an hour still ranks lowest in annual income of all our Nation's occupational groups.

Contract Construction	$4.49
All Manufacturing	$3.05
Lumber and Wood Products	$2.62
Canning, cured & frozen foods	$2.38

In light of these few statistics it is time the plight of the farm worker be studied in terms of the nature of the economic system which creates and prolongs his poverty rather than by simply focusing on his material condition.

This paper, which is only a prospectus for a much broader planned study on the present corporate structure of agribusiness in the United States, is an effort to examine that economic system.

II

The predominant trend in agribusiness today is toward corporation farming. Each day there is news of large corporations buying up land, farms, feed lots, mills, processing and distributing outlets.

A 1969 U.S. Department of Agriculture survey of 47 states --- not including California --- showed farms operated by corporations owned over 53 million acres of land. Fifty-four percent of these corporations were formed since 1960.

In 14 states with 1967 farm marketings totaling $11.5 billion (28% of the total U.S. marketings) less than 50% of these marketings came from family farms. In 1969 over 34% of the hired farm work force were employed in the four states of Arizona, Florida, California and Texas where corporate farming has made its greatest impact. Family farm sales in these states were:

Arizona	11%
Florida	20%
California	21%
Texas	48%

A preliminary examination of these figures would seem to indicate that those farms (large corporate farms) who hire the most labor are best suited financially to pay their workers a just and living wage.

Who are some of these corporations and what are their activities in agriculture?

* Sterling Precision Corp. of New York, a maker of industrial equipment, has bought 84,000 acres of land in Arizona and is rapidly adding to its 5000 cultivated acres.

* International Telephone and Telegraph Corp. has agreed to acquire Gwaltney Inc., a food processing company for 758,664 common shares of ITT, valued at approximately $41.9 million.

* Dow Chemical Financial Corp., a subsidiary of the Dow Chemical Co. purchased in 1969 some 17,000 acres of land in Arizona and California from Bud Antle, Inc., reportedly at the time the world's largest lettuce grower.

* Stratford of Texas, Inc. has agreed to acquire M-G Inc. of Weimar, Texas for approximately $5.6 million in common shares of stock. M-G distributes livestock feed through 150 dealers, sells eggs and controls the Longview Texas National Bank. Stratford is engaged in farming and minerals development.

* Tenneco Inc. has acquired Heggblade-Marguleas Co., a San Francisco-based agricultural producer and sales agent. Tenneco has indicated its new subsidiary will manage the agricultural lands, packing houses and prospective prepackaging facilities of the Kern County Land Co., another Tenneco subsidiary.

* Although the transaction was terminated upon the death of Mormon Church leader David O. McKay, the GAC Corp., a diversified holding company, was seeking to buy 265,000 acres of Florida land from its owners, the Mormon Church.

* Southern Pacific Co. has announced plans to accelerate development of 3,855,000 acres of its land in California, Nevada and Utah through a subsidiary, Southern Pacific Land Co. Most of this land was given to SP in the form of federal grants during the building of the first transcontinental railroad in the 1860s.

* In 1968 the H.J. Heinz Co., through a subsidiary of its Ore-Ida frozen potato products division, planted 9000 acres of potatoes in Western Oregon.

* Big canners like Minute Maid Groves Corp., a subsidiary of Coca Cola Co. and Libby, McNeill and Libby now own an estimated 20% of Florida's citrus groves, compared with less than one percent in 1960.

These few examples of the wholesale emergence of large corporations investing in agriculture suggests to many that agriculture could within a few years become what would amount to a closed corporation.

Eric Thor, former University of California Extension Agricultural economist, has suggested that it is entirely possible in the not too distant future that a half dozen such large corporations could easily control the production of all California's fruits, nuts and vegetables, which in turn accounts for 40% of the total U.S. production in these catagories.

This growing exclusiveness in the nation's food industry is also reflected in the observation of Dr. Willard F. Mueller, former chief accountant for the Federal Trade Commission, regarding the food retailing industry:

> If the top 20 chains of 1960 and all other chains with 11 or more stores were to continue to expand their market shares at the respective rates which they experienced between 1954 and 1958, by about 1984 chains of 11 or more stores (about 180 of them) would be doing all of the grocery store business, with the top 20 of 1960 doing 84% and all others 16%.

At a time when the general public is being repeatedly told that the nation's farmers are in serious financial difficulties what does a large corporation see in agriculture?

Profit!

As CBK Agronomics Inc., an organization formerly interested in women's apparel, foreign films, asphalt and label-printing but now investing in agriculture, explains, commercial farming operations reap profits "well above the average on invested capital."

Rudolph A. Peterson, retired president of Bank of America, has also noted:

> The studies I have seen stratify return on investment up to sales of $20,000 per year and then lump together all farms with sales of over $20,000. These studies indicate that farms with sales in excess of $20,000 per year earn a rate of return on investment equal to or better than they could earn in other potential investments.

It is not surprising, therefore, that large corporations and conglomerates have chosen agriculture as the most lucrative field in which they can invest their many billions of dollars.

In examining these current trends in American agribusiness the mistake should not be made that somehow all this is simply part of the changing times, one of the byproducts of progress. As Tony T. Dechant, President of the National Farmers Union, has observed:

> I do not believe that we should concern ourselves only with trying to decide what the future of American agriculture is <u>going</u> to be --- but what it <u>should be</u>. We should not accept any trend as inevitable. Trends are made by our public policy, not born of the wedding of inscrutable and uncontrollable forces. What is happening in America is <u>because</u> of our public policy --- <u>not in spite of it</u>.

Through a combination of policies the U.S. government has probably done more than any single institution in our nation to encourage the present trend in agribusiness toward corporation farming.

Sen. Lee Metcalf (Dem.-Montana) has pointed out that one of these policies created the "tax farmer," e.g., people who engage in farming for the purpose of creating losses which can be used to offset substantial amounts of their non-farm income. As Senator Metcalf notes,

> . . . the tax farmers are more interested in farming the Internal Revenue Code than they are the land, and are making it increasingly difficult for true farmers to earn a fair and an adequate rate of return on their effort and investment.

Subsidies, however, more than any other single government policy has given major impetus to corporations getting into agriculture. Both crop subsidies under the Agricultural Stabilization and Conservation Service and water subsidies under the Department of Interior's 160-acre Reclamation Act have turned over billions of taxpayer dollars to large landowners throughout the country.

These subsidies have enabled rich farmers to get richer while those farmers which the two acts were meant to help get poorer. In 1969 over $3.5 billion was appropriated for crop subsidies. Less than $400 million, however, was divided up among one million farmers while 100,000 farmers were receiving over $1.6 billion.

No one area in the United States typifies better the social and economic inequality that crop and water subsidies have created than the Westlands Water District in California's San Joaquin Valley. Covering 450,000 acres of land the Westlands is getting water from the San Luis Reclamation Project, a $157 million federal and state water project. The federal subsidy toward the cost of water in this area is approximately $1000 an acre.

In the Westlands, an area about two-thirds the size of Rhode Island, there are 240 landowners. The National Farmers Union has estimated that with a family farm containing 40 acres of deciduous fruits and nuts, or 80 acres in truck, tomato and field crops, and 160 acres in meat production, the San Luis project could support 6100 farms of varying size.

Compare those figures with the reality of the Westlands today as shown in the chart below:

Name	Acreage	Est. Water Subsidy	1969 ASCS Payment
Southern Pacific	120,000	$120 million	$ 161,068
J.G. Boswell	32,364	$ 32 million	$ 4,370,657
Boston Ranch	37,000		$ 643,006
Miller-Lux (lease)	25,313		$ 292,961
Giffen family	100,000	$100 million	$ 3,333,385 *

* Giffen, Inc. only

Dr. Paul Taylor has observed "that Westlands is to water what Teapot Dome was to oil."

A study in 1966, it should be noted here, by a group of Fresno State College sociologists found that small farmers in the San Joaquin Valley paid higher wages to their workers than those large corporate growers in the Westlands area.

The disparity, however, between the rich, subsidized farmer and the underpaid, exploited farm worker is most apparent in Kings County, California's poorest county, with the lowest average wages in the state. Kings lies in the very heart of the Westlands district.

In 1968 the county spent $24,000 on general relief, $2,711,388 on Aid to Families with Dependent Children, and $667,800 on Aid to the Disabled. At the same time some 247 of the county's growers were receiving $10,279,927 in ASCS payments. Over 50% of that amount was shared by four growers. The Southern Pacific Co., whose retained income in 1968 was $1.43 billion, also received $54,917 in crop subsidies for land the company owns in Kings County.

Last February hungry and destitute farm workers in Kings County appeared before the Board of Supervisors, and staged marches, demonstrations and sleep-ins on the court house lawn seeking more and better quality surplus food commodities for their families and the institution of a food stamp program for their poor. Meanwhile in Washington, D.C. it was disclosed last month (March, 1970) that in 1969 some 63 growers from Kings County received $13,114,322 in ASCS subsidies.

Leading the list of county and national recipients, as he has for the past three years, was J.G. Boswell II with a $4,370,657 payment. In 1967 Boswell received $4,091,818 and in 1968 he collected $3,010,042. In addition to owning 32,364 acres in his own name Boswell also owns the Boston Ranch (37,000 acres) which collected a 1969 ASCS payment of $643,006 and controls the Crockett-Gambody Ranch (28,503 acres), Tulare Lake Land Co. (10,392 acres) and through a lease 25,313 acres of Miller-Lux. He also farms some 500 acres of struck table grapes in Arizona.

But Boswell's financial acumen is not solely confined to the fields of the Southwestern United States. In addition to his $50 million a year business he serves on the board of directors for the Security Pacific National Bank (second largest in California, ninth largest in the nation with deposits of over $5.8 billion) and Safeway Stores, Inc., the nation's second largest supermarket chain.

Reviewing these facts it is not difficult to understand why Boswell and his business associates have become for thousands of rural poor in America the symbols of all that is unjust in the social and economic life of our country.

III

For nearly two years Safeway Stores, Inc. has been a target of the United Farm Workers Organizing Committee (AFL-CIO) national table-grape boycott campaign. The union has repeatedly asked the store to remove their table grapes as part of UFWOC's efforts to win collective bargaining rights with California and Arizona table grape growers. The store, claiming its neutrality in this dispute, has refused to remove the grapes and the union has replied that Safeway is not a neutral party but is in close alliance with the growers.

As one examines the corporate structure of Safeway, the union's charge is well-supported, for this supermarket chain, which had a 1968 total sales record of $3.7 billion and a $55.1 million profit, typifies agribusiness today.

36-513 O - 71 - pt. 7B -- 16

For example, the 19 men who sat on the Safeway Stores, Inc. board of directors in 1969 also sat on the boards of Southern Pacific Co., Caterpillar Tractor Co., Wells Fargo Bank (2), Castle & Cooke, Inc., Security Pacific National Bank (2), Times Mirror Co., Sante Fe Industries, Inc., Tejon Ranch Co., Pacific Gas and Electric Co., Bank of California (2), Union Pacific Railroad Co., Frank B. Hall & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., R.H. Macy & Co., Inc. and Continental Can Co. among others.

Gene Cervi of Cervi's Rocky Mountain Journal commented on another aspect of the Safeway operation in a July 17, 1968 article:

> It would take a Philadelphia lawyer to sort out Safeway's hidden interest in feedlots, packing plants, captive feeders, cattlemen busted and hanging on, and before long that's just exactly what is going to happen to Safeway. It just can't go on forever wrecking the cattle production business in this part of the United States.

Safeway Stores, Inc., however is only one corporation in the core of power that dominates agribusiness today. Through interconnecting directorates and ownership banks, conglomerates, processors, retailers, etc. the food industry is swallowing up American farming.

Another example. Six men --- Crowdus Baker, Edward W. Carter, James Hait, Rudolph A. Peterson, Gardiner Symonds, and Albert L. Williams --- between them serve on at least 29 directorates. These include: Sears, Roebuck & Co., Archer Daniels Midland Co., Chemical New York Corp., Bethlehem Steel Corp., Conill Corp., Bank of America, Di Giorgio Corp., Time, Inc., Kaiser Industries, Consolidated Foods Corp., Southern Pacific Co., Tenneco, Inc., Kern County Land Co., Packaging Corp. of America, Newport News Shipbuilding and Dry Dock Co., Houston National Bank, Philadelphia Life Insurance Co., IBM, First National City Bank, General Foods Corp., General Motors Corp., American Telephone and Telegraph, Broadway-Hale Stores, United California Bank, Del Monte Corp., PG & E, FMC Corp., Wells Fargo & Co., and Georgia Pacific Corp.

A 1968 Congressional study on Commercial Banks and Their Trust Activities found that 49 commercial banks now reach into every major industry in the country through interconnecting directorates.

Catagory	Interlocks	Employee Benefit Plans	Owned Over 5% Common Stock
Canning, Preserving Fruits and Vegetables	14	14	8
Grocery and Misc. Food Stores	17	16	11
Meat Products	6	7	1
Dairy Products	4	7	3
Grain Mill Products	6	12	5
Textile Mill Products	22	25	9
Lumber and Wood Products (except furniture)	6	6	2
Agricultural Chemicals	3	1	3
Farm Machinery, Construction, Mining, Material Handling	12	21	7
Groceries and Related Products - Wholesale	5	3	2

In the 1966 report by the National Commission on Food Marketing there appears an illustration tracing the flow of food from sources to destination (page 6). It is significant in light of the frequent claims that farmers are receiving less for their crops while consumers are paying more for their food that the two critical points in the flow are through the assemblers and brokers and later through the wholesalers, brokers and chain warehouses.

The importance of discovering just how much control these individuals and the corporations they represent exercise was vividly illustrated by E. Drummond Ayres, Jr. in a March 12, 1970 article in The New York Times on Idaho growers burning their potatoes in an effort to get better and fairer prices.

> Buyers and processors throughout the country say they have nothing against farm organization in principle, but a random survey found that most studiously avoid signing contracts with N.F.O. members.
>
> In fact, many bragged that they had been able to undercut the organization by quietly persuading some hard-pressed members to sell potatoes at prices well below what the N.F.O. considers fair.
>
> An Idaho Falls buyer, who asked not to be identified, said:
>
> "We're going to do everything we can to avoid ever signing N.F.O. contracts. We know where that would lead --- to another union, in effect, and we've already got enough of them to deal with."

It is clear, therefore, that much new research needs to be done in a positive effort to identify the various individuals and corporations who are turning the nation's food industry into an exclusive club and transforming a country of family farms into a land of nothing but factories in the field.

The task of pinpointing this corporate power is to be the major task of the study discussed in the introduction to this paper.

IV

What direct affect are these current trends in agribusiness having on rural America?

Victor K. Ray in an excellent booklet which should be required reading for anyone interested in agribusiness, THE CORPORATE INVASION OF AMERICAN AGRICULTURE (published by the National Farmers Union), has summed up some of the already apparent affects:

1) Consumers are being put at the mercy of a depersonalized monopoly.
2) A further concentration of political power is being created that is causing other problems in the society.
3) Our natural resources of land and water are moving into hands that are abusing them and will ultimately destroy them.
4) A social and economic reservoir that can never be replaced is being destroyed as our rural communities are being erased.

To understand what affect corporate farming is having on agricultural labor let us look at three examples of how large corporations treat their workers --- Bank of America, H.J. Heinz & Co. and Gates Rubber Co.

At the apex of the agribusiness superstructure in California is the Bank of America, which finances over 50% of the state's agriculture. In a November, 1968 speech to the California Canners and Growers, Mr. Peterson, then president of the bank, outlined what he termed "a new national agricultural policy."

> Why is a banker talking about agricultural policy? he asked. Because Bank of America has a deep stake with lines of credit for agricultural production running at about a billion dollars a year. Our total agricultural commitment is probably around $3 billion. We've been in agriculture a long time and we intend to stay in agriculture for a lot longer. In a very real sense then, agriculture is our business.

How the bank manages its agricultural loans, the property it owns, and the workers who harvest the crops on that land came to light several months ago after the UFWOC charged that a 5000-acre bank-controlled ranch in the strikebound Delano area was refusing to bargain collectively with its 500 employees.

Bank officials contended that their ownership was only temporary and in fact the land was leased to a firm called Agri-Business Investments Inc. The articles of incorporation for the leasing firm, however, showed as two of its officers attorneys employed by the bank. The assets of Agri-Business Investments, Inc. consisted of a lease of approximately 4000 acres from Bank of America for one dollar. Issued corporate stock consisted of 250 shares at $10 per share. In 1968 AgriBusiness received $9000 in ASCS payments.

The land's former owner, P.J. Divizich, who after being allowed to run up a $7.8 million loan debt and forced into bankruptcy, had to sell the ranch to Bank of America for $5.8 million. The bank also obtained a certificate of indebtness and lean on all his crops (mostly table grapes) which means that he will probably be paying off the money he owes the bank for the rest of his life.

This land is presently being sold by Agri-Business Investments, Inc. to other large land owners in the area.

Larry Itliong, assistant director of the UFWOC, has said that his union had signed up most of the ranch's 500 workers and had asked the bank to negotiate with them, but their request was promptly rejected. In response bank officials noted that although they were a major agricultural financier, they were not themselves engaged in farming.

Another example of agribusiness exercising its corporate power to the detriment of farm workers came to public attention last spring in Iowa when people were asked to boycott the products of the H.J. Heinz Co. in an effort to aid state migrant legislation. Two bills had been introduced in the state legislature concerning child labor law and establishing minimum health and housing standards.

The boycott idea was thought up by Democratic State Representative John Tapscott after a group of Muscatine, Iowa growers appeared before his committee holding hearings on the child labor bill and admitted that they had been mapping opposition to the bill at a meeting with Heinz company representatives.

Tapscott said that Heinz was refusing to pay vegetable growers adequate prices for their crops. This in turn forced growers to pay migrant workers inadequate wages and house them in substandard facilities. In fiscal 1969 the H.J. Heinz Co. net income was up 21.9% to $28.4 million with net sales of $790.1 million.

Meanwhile Iowa legislators (The Washington Post, April 6, 1969) heard how some migrant workers were housed in three wooden shacks, a hog house, a corn crib, a chicken house and a rusty trailer at one tomato farm. At another farm vegetable pickers were living in "broken down buses" with no heat.

Robert Cheshire, supervisor of inspectors for the Iowa Bureau of Labor, showed the legislators colored slides of migrant camps, many containing what he called "Heinz houses." They were so named because the company had originally provided them to local tomato growers. They were 9 by 12 wooden buildings with a flat tarred roof, one light bulb and no plumbing.

Tapscott later explained that Heinz was opposing child labor legislation because if the children were to be kept out of the fields wages would have to be raised so that the parents could sustain their families by themselves. The proposed legislation required that growers and other employers of migrants be held responsible for making sure the children they hired met the minimum age requirements established in 1967, e.g., no migrant child under 10 could work in the field and no child under 14 could work before or during school hours.

Evidence was presented by Federal anti-poverty workers showing that many children under 14 and some under eight were being employed because their parents lied about the children's ages so they could help gain income for the family.

The impersonalization of agribusiness can also be seen in the manner in which it creates additional social burdens for rural communities and then seeks tax dollars to alleviate that condition.

A case in point is the Gates Rubber Company, a diversified Denver, Colorado firm that makes V-belts and tires. In recent years the company has been buying up land in Wyoming and Colorado, developing a cattle ranch with 180,000 head and a farm with 420,000 chickens, making it one of the nation's leading egg producers. Gates Rubber Co. also raises sugar beets.

Victor Ray, commenting on the latter operation, points out:

> Thanks to Gates Rubber Co., the people of Yuma, County, Colorado, have a new problem to deal with --- a migrant labor camp. Gates rolled in colonies of house trailers, removed the bathrooms from them, set around communal toilets and showers, and moved in the migrant workers. The Federal Government is subsidizing the operation, mercifully, by establishing an education program for the children.

Probably the single most important development in agriculture which has cleared the way for giant corporations to get into farming on a large scale is mechanization. Aside from its broad economic aspects mechanization has a direct affect on not only the workers-in-the-fields jobs but on their capacity to organize.

Isao Fujimoto, a University of California, Davis behavioral scientist, has discussed this aspect of mechanization in a fascinating paper, "Mechanization and Farm Labor: Inequities and Social Consequences."

> . . . Despite claims that mechanization is geared to help the farm worker by relieving him of drudgery, the politics of agriculture show that a large impetus for mechanization came out of fear of the workers rather than out of concern for him --- fears that a malleable labor supply or a comparable cheap foreign labor force would diminish, or that the domestic labor force would unionize.

Fujimoto cites the growth and development of the tomato harvester as an example of this fear. J. Bernell Harlen, who with a partner farms 1500 acres near the UC Davis campus, was the man who first tested the tomato harvester and his explanation to The National Geographic of its development underscores Mr. Fujimoto's point.

> Many tomato growers figured they'd have to give up farming. Canners made plans to move to Mexico. But by 1965, when the bracero ban went into effect, most of the bugs had been worked out of the harvesting machine, and we had learned what cultivation practices the new tomato plant required. The way we saved the tomato business in California reminds me of those cavalry rescues in Wild West movies.

Mr. Fujimoto continues,

> . . . Alvin Bertrand in an article entitled "The Social Processes of Mechanization of Southern Agricultural Systems" cites similar social causes for the advent of mechanization in the cotton industry. Planters in the South ignored agricultural machinery for years. However, two social processes set in motion the landed aristocracy's acceptance of technological advancements. One was the unionization of agricultural workers and the other was the strengthening of the landlords' position through subsidies sponsored by the Agricultural Adjustment Act . . .
>
> Technology definitely had not been neutral or value free in its response to the general welfare of everyone concerned with agriculture. Technological advancements including agricultural research, mechanical inventions and extension service, have a management bias . . .

Once again Mr. Fujimoto's own institution, University of California, Davis, provides a perfect example of the "bias" he speaks of. The Wall Street Journal in 1968 in an article "A Farm Subsidy You Don't Hear About," described UC as "a taxpaid clinic for a major industry." No other large U.S. industry has its money-making research done for it free on such a scale as does agriculture by land grant colleges like the University of California.

For example, in fiscal 1967 the University's Experiment Station spent more than $25 million. Of this, over $17 million was from state funds and nearly $7 million came from Federal funds. Less than $1.5 million came from California's $16 billion agribusiness industry, the nation's largest.

Taxpayers and farm workers, like students, have recently been asking themselves why they should subsidize UC Davis' 25-year study on the corrosion of fence wire, or a project "facilitating the marketing of seed," or on developing equipment for twining hops.

While engaging in this type of activity on the one hand the university has also in the past used their studies to depress domestic farm workers' wages and support grower demands for braceros.

Not only have these reports been biased toward the state's agribusiness interests, but those parts of the report which have tended to give another side of the labor market story have been suppressed. The famous 1964 Eric Thor-John Namer Giannini report which dealt with the continuing need for braceros was carefully edited and trimmed so as to omit the fact that authoritative studies had shown that domestic workers were available for farm work if they were provided with decent wages and working conditions.

V

In testimony before the President's Commission on Civil Disorders on November 2, 1967 then Assistant Secretary of Agriculture John Baker perhaps best summarized the affect that corporations are having on the personal lives of America's rural poor.

> Past developments and trends in rural America --- particularly on our farms --- are directly related to, and are some of the fundamental causes of urban civil disorder. Those of us who have been close to agriculture over the years have seen the inexorable thrust of modern technology and organization literally overwhelm millions of families --- white and Negro --- in the countryside --- force them off the land and into the towns and cities, where both white and Negro add to the overcrowding that leads to explosion.

What Mr. Baker suggests but does not spell out is that in recent years many of the same corporations which have contributed to people's poverty in the fields are the same forces which exploit and oppress them in their new and often impoverished lives in the cities.

For example, in 1968 the House Government Operations committee reported that grocery store chains in Washington, D.C. and other cities sell second-rate food and often charge higher prices in their ghetto stores. The committee first got interested in the supermarket subject the previous year when a group of Washington, D.C. housewives with the support of the Democratic Central Committee made a survey and accused Safeway Stores, Inc. of charging higher prices in the ghetto. The housewives also asserted that Safeway raised its prices in the ghetto on the first of the month, the day after welfare checks are issued. Safeway denied the charges.

For a very long time urban America has ignored the events taking place in rural America. Today we are beginning to pay the price for this neglect and if this trend toward more land and more capital in [redacted] fewer hands continues we may witness a political and social upheavel unequal to any in our country's history.

James Madison's main conception, Victor Ray reminds us, was that all citizens should be possessed of an interest, listing property owners, creditors, land owners, manufacturers and others as examples. Madison also voiced concern for those without property. This latter class of people have no interest in the society until as Andrew Hacker has noted, "they organize a party whose aim is to socialize private property."

Ray adds,

> The concentration of farms into corporate hands creates more people without an "interest" in rural America. Thus the real revolutionaries of our society may be the corporate defenders who are pushing us inevitably closer to the day when the propertyless will seek to develop an interest in the society by socializing the property.

And while we ponder on this observation let us not forget (keeping in mind many of the events which have taken place in our cities and on or near our college campuses in recent months) President John F. Kennedy's admonition uttered on two separate occasions.

> We live in times of great change, and it is our duty, our responsibility to make that change, that revolution peaceful and constructive for all. Those who act boldly act from right as well as from reason . . . If peaceful revolution is impossible then violent revolution is inevitable.

VI

The continuing corporate invasion of agriculture has now begun to pose some serious international questions as well.

In February it was announced that an investment company had been formed,

> . . . to increase food production and rural income (in Latin America) by the profitable application of investment capital, which will lead to a broad base of local ownership. Investments will be made in new and existing enterprises that produce, process, transport, distribute or market agricultural products.

The Latin American Agribusiness Development Corp. (LAAD) will have authorized capital of $15 million. The participating firms, who will work as equal partners, include: Adela Investment Co., Bank of America, Borden, Inc., Cargill, Inc., Caterpillar Tractor Co., C.P.C. International, Inc., Deere and Co., Dow Chemical Co., Gerber Products Co., Monsanto Co., Ralston Purina Co., and Standard Fruit and Steamship Co. All these corporations have been active in Latin American business and trade in recent years while continuing to expand their operations in U.S. agriculture.

Fred S. Orth, vice president of Bank of America, has been elected LAAD's interm president with Donald J. Kirchhoff, executive vice president of Castle & Cooke, Inc. chairman of the board, and Paul F. Cornelsen, president of Ralston Purina International, vice president.

In embarking on this venture in Latin America one questions if LAAD, Inc. will follow the advice of Edwin M. Martin, chairman of the Development Assistance Committee of the 22-nation Organization for Economic Cooperation and Development?

Martin, noting that lack of jobs is the most severe problem confronting the developing nations, recommended that companies investing in those countries should forgo much of their labor-saving machinery and take advantage of cheap labor.

Will LAAD also benefit from the counsel of Rudolph A. Peterson's 16-member committee which recently conducted a study on American foreign aid for President Nixon? The committee recommended that the U.S. set up an International Development Bank to lend money to poor countries, particularly for agriculture and education.

Included among the members of that committee were John E. Countrymen, chairman of the board of Del Monte Corp., R. Burt Gookin, president of H.J. Heinz Co., William A. Hewitt, chairman of Deere and Co., David Rockefeller, chairman of Chase Manhatten Bank, Earl L. Butz, board of directors, Ralston Purina Co., and Walter A. Haas, Jr., board of directors, PG & E.

Will LAAD's president Orth implement the financial philosophy of his former Bank of America boss, Rudolph Peterson, in this new corporation's Latin American ventures?

Peterson believes in "venture banking," e.g.,

> . . . the job of international banks if they are to avail themselves of the profit potential in the vast resources of the lesser developed countries, must be to marshall credit, know-how and capital to create wealth that could not be created by the lesser-developed nations themselves.

As this international financial activity by many of America's largest agribusiness corporations continues, Dr. Sidney E. Rolfe recently asserted in a critique for the Foreign Policy Association, national resistance throughout the world to multinational companies is increasing rapidly.

The reason, he notes, is that integration of resources, production and distribution on an international scale weakens the control of national economies that has come to be an accepted function of Bureaucratic elites. Dr. Rolfe estimates that at the present time there are approximately 160 companies in the multinational class, half of them being American.

For example, some 450 U.S. companies are now operating in Australia, many being mineral firms. However, such firms as Kern County Land Co., Dillingham Corp., W.R. Grace Co., Chase Manhatten Bank among others do business in Australia in addition to the some 3000 American landholders.

One of these landholders is J.G. Boswell II. In 1968 while he was receiving over $3 million in ASCS subsidies for not growing cotton in Kings County, California he was receiving $500,000 from the Australian government to grow cotton in that country. Australia has been trying to stimulate cotton production by paying a bounty of $15 a bale.

These are some of the questions and realities any discussion of agribusiness in the United States must include when talking about the future of the industry.

VII

Federal farm planners have speculated privately, according to The Wall Street Journal, that eventually the United States will need only about 500,000 farms, compared with today's three million and that future farms will be big, factory-like operations. (At the present time 338,200 of the nation's farms --- 11% --- hire any full-time help.)

Farm workers, unless given the protection of federal laws other workers have enjoyed for the past 35 years, mainly the right to organize and bargain collectively, will very likely remain, in the face of this economic centralization, much as they are today --- second-class citizens, a study in economic powerlessness.

Each segiment of the American business community and each institution in our society is going to have to ask some hard questions about what their role will be in the future as agribusiness continues to grow and assume a larger place in our social, economic and political lives.

For the American farm worker the path should be quite clear. They must have the protection of the Wagner Act if they are to achieve dignity and economic power. From even the brief resume of facts outlined in this paper it is clear to see why Cesar Chavez, director of the UFWOC, has so rightfully declared:

The policy of the original Wagner Act and its administration for the succeeding 12 years was to promote unionism for the unskilled and semiskilled workers in mass production industry. Its aim was to quiet widespread industrial unrest and to meet the social and economic challenges of the Great Depression.

Where would the large industrial unions of today be if Congress had "protected" them from the beginning, not with the Wagner Act, but with the Taft-Hartley Act as it is today?

We too need our decent period of time to grow strong under the life-giving sun of a public policy which affirmatively favors the growth of farm unionism. Only a strong union can deal effectively and on equal footing with the giant agribusiness corporations that run most of agriculture.

+

about the author

A. V. Krebs Jr. is a free-lance journalist who for the past seven years has been contributing articles on farm labor, agribusiness, and the Delano, California grape pickers strike to nearly every major U.S. religious publication and many secular publications. From California he now lives with his wife and two sons in Somerville, New Jersey.

In Aid of the Mexican-American: A Proposal to Aid Mexican-American Farm Workers

(By Mark Erenburg, Department of Economics, Indiana University, Bloomington, Ind.)

INTRODUCTION

Public policy decisions will focus ever more sharply on hired farm workers in the immediate future. The continued rapid introduction of chemical and mechanical cultivation techniques and mechanical harvesting devices in agriculture certainly will pose employment problems, over and above the difficulties presently being encountered, for those seasonal workers who earn their livelihoods in the farm sector of the economy. The impact of the machine and other labor-saving techniques can already be seen in the reduced employment opportunities in such crops as cherries, sugar beets, potatoes, lettuce, tomatoes, cucumbers, cotton, and others.

First among hired farm workers to feel the reduction in job opportunities is the migratory laborer: The least skilled, most unstable, most easily distinguished (and also discriminated against) member of the farm labor force. The migrant is the marginal worker, taking the residual jobs in many cases after the indigenous farm labor force is employed, or in other cases taking the jobs that no "white American" worker would want.

As labor-saving devices and techniques become more fully operative on the farm, the migrant worker is going to be forced out of farm employment. The cream of the farm labor force will be pushed into the migrants' less desirable jobs. With continued technological innovation, the unskilled migrant workers will become more and more unemployed. In fact, some will become unemployable, with no marketable skills whatsoever unless steps—government action—can be taken now.

The group most likely to become unemployable appears to be the Mexican-American migratory farm workers. These workers possess no skills, but worse, they face many barriers to acquiring any employment at all. Many speak little or no English, possess little or no education, have large extended families dependent upon a few primary wage-earners, maintain different values and mores than "American" workers, precluding widespread acceptance of government aid, and retain a fear of the "Anglo" (American) and his way of life—a fear of exploitation compounded with every trip around the migrant circuit.

It is the affirmed goal of the national government to eliminate the pockets of poverty in this country as well as to reduce the number of unemployed. By all standards, the Mexican-American migratory worker now is, and certainly will be more impoverished and more without work than almost any subgroup in the society. Congress has acted to reserve the decreasing number of farm jobs for domestic agricultural labor by failing to renew the "Bracero Law" in 1965 which permitted the entry of short-term foreign labor into the United States although foreign labor seeking farm employment are crossing the United States borders in increasing numbers under other auspices. More governmental concern is called for.

Several positive courses of action are open: Migrants may be aided by special welfare payments designed to keep them and their families at some stated level of well-being. Programs of accelerated education may be introduced to help the migrant youth become better equipped to make his way in the world when he matures. Literacy training may be offered for interested adults. Federal programs such as the Job Corps may be better adjusted to accommodate the migrant. Retraining and relocation programs may be instituted to offer a way to meet changing conditions for the migrants of today.

Education is certainly necessary for future generations of Mexican-Americans, welfare may be necessary in special cases, work programs may help those just on the threshhold of the labor market, but retraining and relocation can help many migrants meet today's problems without an underlying stigma of failure and dependence.

Obviously, public policy is already oriented toward retraining and relocation, given the Manpower Development and Training Act and the Economic Opportunity Act provisions. But, a decision as to whether the special problems of the

Mexican-American worker preclude his participation in manpower-oriented operations is coming to the fore. Given the "lack of initiative" and fear of the migrant, inaction may produce a hard core of unemployable citizens as agricultural technology continues to develop. If even some of this graphic minority can be retrained and relocated, improving their lot, poverty and unemployment can be reduced in this marginal group.

The following program proposals are based on an extensive study of one group of migratory farm workers, the Texas-Mexican migrants (American citizens of Mexican descent residing in Texas) who travel annually to Wisconsin to harvest crops in work in agricultural-related industries, although it really would suit any Mexican-American group. The complete study is filed with the Manpower Administration, U.S. Department of Labor.

THE PEOPLE AND THE PROBLEM—AN OVERVIEW

General information about Texas-Mexican migratory workers comes from several sources, none of which refers specifically to this group. The USDA has issued several reports analyzing characteristics of the United States hired farm working force, the characteristics of the population of hired farm worker households, the education and earnings of the hired farm working force, and the characteristics of Spanish-American wage workers on U.S. farms. Often these reports distinguish between migrant and nonmigrant work, between white and nonwhite workers (Texas-Mexicans are classed as white), and between workers residing in various sections of the country. Statistics referring to South-based, white migrant hired farm workers, when available, closely approximate information about Texas-Mexican migratory workers. All statistics, though, suffer from large errors associated with the sampling techniques used.

The Texas-Mexican values derived from Mexican folk culture are predominant today in south Texas. To the extent that Texas-Mexicans have moved from rural farming areas to urban conters, the strength of the values has diminished. However, since a large number of Texas-Mexican migrants are still residents of rural Texas, they are dominated by the concepts of *La Raza* (roughly "the race" or "the people"). Mechanisms exist which actively prevent assimilation into the "Anglo" community; common language and religion, color, familial responsibilities, *machismo* (roughly "manliness"), and community pressures. Fatalism, lack of determination and future orientation, a noncompetitive nature, and a fear and distrust of organizations and nonfamily alliances are in direct conflict with the major social values of American society.

Few migratory farm workers enjoy being migrants, but are constrained from taking other jobs by their lack of skill and by cultural barriers. Few travel the migrant circuit to see the country, to broaden their horizons or those of their families. Migrancy is not an educational or recreational experience. It is an economic necessity. Migrant farm workers move from job to job to stretch their period of employment, or move to permit others in their families to find work. Changing farm technology has reduced the number of farm jobs in the United States to an all-time low and the reduction will continue in the future (agricultural productivity is increasing at 5.5% per year. Between 1960 and 1980 farm man-hour inputs are projected to decline by 48%). While the demand for farm labor will decrease, the supply of farm workers, migrant and nonmigrant alike, will not exhibit a similar decline. (Between 1960 and 1980, hired farm labor is projected to decline only 30–35%.) Farm workers will have relatively fewer jobs, and their real income will not rise as rapidly as the real income for workers in the nonfarm sector of the economy where adjusted of labor supply and demand has been and will be more efficient.

For Texas-Mexican migratory workers, the long run and short run barriers to higher earnings within agriculture and to mobility and higher earnings in the nonfarm economy are formidable. Their skill level is significantly below the level for the farm labor force generally, and certainly below that of the entire labor force. So too with their educational level and their emphasis on academic achievement. They are predominantly rural residents, with brown skin and a language handicap. They do not completely share the "Anglo" farm workers' competitive nature, desire to plan ahead, or their relatively narrow view of familial responsibility. They are less able to afford geographic and occupational mobility and less inclined to contemplate it because of the vast difference between their mode of

fe and that of urban nonfarm workers. Even if the functioning of the labor ıarket were improved, barriers to occupational and geogarphic mobility lowered,)bs created, or programs for upgrading skills provided by government action, ıe cultural heritage of Texas-Mexican migrant workers would still inhibit them rom obtainng the employment benefits which would likely accrue to "Anglo" ırm workers in the same circumstances. It is with these cultural barriers in iind, that a program to move migrant workers out of agriculture into northern rban environments with a concommitant upgrading of skills will be discussed.*

THE PROGRAM

The research on which this proposal is based has indicated that the relocation of 'exas-Mexican migrants to northern industrial cities is economically efficient the net gain to the individual is conservatively in the neighborhood of $18,000 ver his lifetime depending on the assumptions made, and even more to society as whole), and socially desirable (proverty is reduced by providing higher in- omes for these workers without reducing the income of others.) It has also been)ossible to pinpoint those among the population of Texas-Mexican migrant vorkers who would be the most also potentially mobile (i.e., would be most likely o relocate). The research has also provided an idea of the types of incentives ıecessary to induce relocation and to maintain relocated workers in their new obs. What remains is to formulate a government-private enterprise-worker ori- nted farmwork within which to provide these incentives most effectively.

'he primary incentives

Research on changing attitudes toward relocation and relocation incentives an guide formation of tools for a program to encourage and stabilize relocation)f Texas-Mexican migrant farm workers. To accentuate both perceived and 'ealized advantages of relocation, guaranteed steady employment opportunities ıt higher than current (farm) wages for all family members desiring them must)e offered to the most potentially mobile workers. The offers must be made hrough credible channels, probably dissemination by indigenous recruiters would be best. Both the guarantees and the channels through which they come will also serve to allay personal fears and insecurities prior to relocation; ıctual experience allaying these fears after the move. Arrangement for housing n Mexican-American neighborhoods in the new locale with special emphasis on)pportunities for the education of children and adults must be offered to liminish the disadvantages of relocation which are likely to be realized. This)ffer will help to stabilize workers after relocation. Moving and adjustment ıllowances are unnecessary.

Incentives may be offered prior to relocation, but follow-up efforts must be nade after relocation to maintain worker stability. Indigenous counsellors in :he new locale can be used to introduce relocatees into their new neighborhood, ıcquaint them with and facilitate use of the specially directed child and adult educational opportunities, and to generally acquaint them with the socioeco- nomic aspects of the dominant culture in the midst of which they must operate. Indigenous personnel must also discover and develop the jobs to which later guarantees by the government in conjunction with private employers can be applied. They must take responsibility for the familiarization of relocatees with these guaranteed opportunities both objectively as the terms of employment, ınd realistically so that relocatees may grasp the significance of the jobs in their own culture terms.

Provision of these incentives to the most potentially mobile workers with follow-up designed to allow relocatees to realize and evaluate them in their own terms will most effectively encourage relocation and most effectively stabilize workers in their new jobs. To be emphasized are two caveats. Not only must guarantees be made, but they must be presented to potential relocatees in a man- ner designed to facilitate their perception of the offers as guarantees in their own culture terms. Second, relocatees must be helped to perceive program in- centives as really overcoming realized relocation disadvantages. In other words,

*Relocation and retraining within Texas might be a more appealing alternative for Texas-Mexican migrants, but "Anglo" community values toward Mexican-Americans and the weak industrial base in this area make an interstate program a more realistic one.

no relocation program can succeed unless the workers perceive the incentives and help offered as tools for accentuating advantages and overcoming disadvantages of relocation as they themselves perceive and realize these advantages and disadvantages.

More on steady employment

The most important realized advantage of relocation has been found to be employment security, and of possible relocation incentives, guarantees of steady employment are most frequently mentioned. A relocation program can make certain employment guarantees, but in the final analysis, whether relocatees recognize and enjoy steady employment depends on their own behavior. Workers must consistently meet the requirements of their jobs if steady employment is to result. If workers cannot meet job requirements, the guarantee of job opportunities does not guarantee steady employment. If relocatees do not enjoy steady employment, they may not remain relocatees. Employer comment on job performance can be used to evaluate relocatees' ability to meet job requirements; their ability to keep their jobs. Employer comments also serve as a basis for additional relocation program components to improve worker job performance, leading to improved ability to remain on the jobs provided, and to actually experience steady employment.

The language barrier appears to be the most significant single factor causing relocatee employment problems, and the factor most likely to be at the root of poor performance leading to a return to migrant farm work. High turnover rates, absenteeism, and lack of patience and initiative are likely results of an inability to communicate combined with a lack of exposure to industrial discipline. To some extent, however, poor performance is a function of the job itself. Higher wage firms, for example, report less problems with turnover and absenteeism than do the lower wage firms which dominate the returns.

A relocation program which guaranteed employment opportunities could absorb the special costs of hiring relocatees and maintaining their jobs even in the face of decreases in production, but unless special efforts were made, absenteeism and high turnover would continue. Relocatees would not see the guarantee of employment opportunity as a guarantee of steady employment and would be susceptible to the attraction of their former way of life. A comprehensive relocation program must provide the means for workers to take advantage of guaranteed opportunities so that they actually do experience steady employment. From the employer returns, it appears that adult basic education and orientation toward the world of industrial work are necessary program components to allow relocatees to actually realize the advantages of steady employment which they believe accompany relocation.

Another probable reason for the return of some relocatees to farm work and another hurdle to be overcome by a relocation program is the general unavailability of suitable housing. It may be surmised that "successful" relocatees not only overcame language and industrial experience barriers to successful relocation, but also found suitable housing. Suitable, that is, with respect to size and cost consideration as well as locale. The housing problem would not and did not occupy a significant place among relocation disadvantages listed by "successful" relocatees because these workers either did not face, or overcame them. In-depth open-ended interviews with a number of employers and community leaders, however, have revealed that procuring housing at a realistic cost for relatively large families in areas where other Mexican-American families reside and within reasonable commuting distance to the job site account partially for "unsuccessful" relocatees, relatively high job turnover, absenteeism, and subsequent return to migratory farm work. In a relocation program, it may be necessary to overcome this hurdle with rent subsidies or investment incentives to encourage private enterprise to meet the low cost, specifically located housing needs of workers who are encouraged to relocate.

Retraining

Up to this point, no mention has been made of worker retraining after relocation. The Wisconsin study on which this proposal is based was carried out between 1963 and 1966 when economic conditions in Wisconsin and in the Nation where improving rapidly; and in fact, at a time when the demand for unskilled labor in the industrial centers of Wisconsin was relatively high. Migrant workers could

move to Wisconsin and take jobs commensurate with their skill levels—unskilled jobs. This may not always be the case. If relocation is to be a successful tool for improving the employment and income position of Texas-Mexicans, it must be accompanied by retraining so that fluctuations in the business cycle do not always result in unemployment for these marginal workers or result in increased costs incurred to keep these marginal workers in guaranteed jobs. From another point of view, relocation must not mean relocation to dead-end jobs where workers cannot improve their socioeconomic position and which will be most susceptible to the impact of future technological change. A visible ladder for occupational advancement must accompany relocation if it is to be a successful long run tool for improving the labor market positions of migrant workers.

PROGRAM IMPLEMENTATION

How should the incentives of a relocation and retraining program be implemented? What form of organization should such a program take? Are there any institutions now in existence which might provide a basis for program implementation? These questions will be treated below.

Because of its interstate character, the program must be coordinated by the Federal government. Because it seeks to aid people with values and ideas at variance with those dominant in the society, it must be administered by a group of people from the sub-culture which it serves. Because free worker and employer choice are important components of our economy, it must include voluntary private employer (and worker) participation.

Private employers must supply the jobs both for reasons of social conscience and enlightened self-interest. Exceptional costs of hiring Texas-Mexicans (those above the "normal costs" experienced by these firms) must be defrayed by the government. Private employers, however, are not social service agencies. Literacy training, world of work orientation, and basic vocational and technical education must be supplied at government expense outside the workplace. If time taken from the job for these educational aspects of a relocation program work economic hardships on employers, they must be compensated by the government. If employers are large enough to undertake formal on-the-job training programs for relocatees who have passed an initial adjustment period, they should be encouraged to do so. If their mode of training is usually informal, again they should be compensated for the extraordinary costs of informal OJT of relocatees. If the private employers are not accustomed to or are of an inefficient size for OJT, institutional training programs through the existing vocational and technical education facilities should be tailored to the special cultural needs of Texas-Mexican relocatees.

Recruiting of relocatees, the development of employer cooperation, and the follow-up of relocated families should be planned and directed by Texas-Mexicans. Their role has several aspects: Recruitment should take place in Texas and within the migrant stream. Last minute recruitment when workers arrive in a northern state is inefficient. Trust and rapport should be built up over a long period of time. Information about new opportunities should not come from strangers. Because of Texas-Mexican emphasis on family and community, recruitment should be community directed. This cannot be better done than through sources within existing communities. Job development should be undertaken by people who understand the problems of Texas-Mexican employment in industrial environments, not by "Anglo" administrators—even though they may be more efficient at lining up jobs. Industrial employment for migrant workers involves myriad human problems not directly connected with actual experience on the job. Job development and development of supportive social services should be undertaken by one group of people, familiar with the whole spectrum of Texas-Mexican life. This includes development of suitable housing, although government incentives to put developers may be needed.

The stabilization of migrants once relocated involves an appeal to culture values which support family and community importance. Relocatees should not be treated as individuals but as a group or community. Follow-up services and activities should emminate from this group and involve the group. "Outsiders" treating individual workers and families cannot hope to achieve the same results as a community organization approach to building stability.

The government should supply funds and use of existing institutions where applicable, private employers should be encouraged to supply jobs and training where practical through government subsidy and appeals to enlighten self-interest, but the bulk of the effort and specific planning should be done by an organization of Texas-Mexicans. A community organization should be developed in the areas of Texas from which these workers come. A community organization in areas to which these workers relocate should be developed. The two communities should be linked by organization within the migrant stream itself. If the cultural-social pathway from farm work to industrial employment can be made as smooth as possible, the "Anglo" incentives of higher pay and chance for advancement will have the desired effect on Texas-Mexicans: A movement from farm underemployment to industrial employment will not only appear a realistic alternative, it will appear to be a desirable one.

There are a number of social and political organizations developing within Texas-Mexican communities in Texas and in northern cities which might form the basis for this retraining and relocation program. Farm labor unions, for example, could easily become the hub of community organization aimed at relocation and retraining. There are a number of ongoing institutions which are not suitable bases for the program. The Employment Service does not have and cannot develop a Texas-Mexican orientation. The OEO relocation programs in some northern states (U.M.O.S.—United Migrant Opportunity Services, Inc., in Wisconsin) are having difficulty with recruitment and follow-up of relocatees. The reasons are many but include lack of contact with workers prior to arrival in the northern states (U.M.O.S.—United Migrant Opportunity Services, Inc., in Wisconsin) cated workers, bureaucratic red tape and inefficiency in providing jobs and remuneration promised upon recruitment, and the imposition of typically "Anglo" values upon the Texas-Mexicans working within the programs. This is not to say that neither the Employment Service nor ongoing OEO programs cannot be included in an overall program of relocation and retraining of Texas-Mexicans, only that they must be subordinate to a community organization which truly carries the values and ideas of *La Raza* from rural Texas to the industrial centers of the North.

CONCLUSION

The idea of a comprehensive relocation and retraining program for Texas-Mexican migrant farm workers presented here is necessarily sketchy. Many conclusions are stated with little or no reference to the research from which they have developed. This shortcoming is a function of the brevity of the proposal. Solid research has been carried out. The investigator has spent more than four years working with and studying the migrant workers of the Mid-Continent stream both in Wisconsin (as farm workers and relocatees) and in Texas. Any conclusion presented herein can be substantiated.

To summarize the overall program, it is one of community organization of migrant workers in Texas, in the migrant stream, and in northern industrial cities to provide a continuum over which these workers may move to obtain steady employment of a kind not as likely to disappear as the farm work in which they are now engaged. It calls for the cooperation in the form of money and use of existing institutions from the government but leaves the final use of this aid in the hands of an organization of relocatees and potential relocatees. It asks for private employer cooperation not as social service agencies, but as a rational extension of practical business operations. Where business rationality would fail to give support to the program, excessive costs are to be defrayed by the government.

Mexican-Americans have employment and social problems within our economy and society. Mexican-American migrant farm workers have the most serious problems and Texas-Mexican migrant farm workers have the most serious problems of all. The proposed program is aimed at this hard core group, but is aimed at the problems of life in the United States as the workers themselves see the problems, not as "outside do-gooders" see them. The vehicles for change proposed herein are the vehicles proposed by the workers themselves as interpreted by this investigator. They are the means to the end of improved life styles which the workers think will be effective. Our social consciences dictate that we seek improved

life styles for this sub-group of our population, but our consciences also dictate that the "target population" specify the means to that end. The means specified herein are broadly within our own concept of what is possible, given our political, traditional, and social view of change. It is for us to sanction the means, trusting the Mexican-Americans to "know themselves."

Senator MONDALE. I order printed at this point in the record additional statements and other pertinent material presented to the subcommittee.

(The material follows:)

MEXICAN IMMIGRATION AND AMERICAN LABOR DEMANDS

Julian Samora and Jorge Bustamante
University of Notre Dame

Paper presented at Center for Migration Studies
Brooklyn College, March 13-14, 1970

This study was produced through the U.S.-Mexico Border Studies Project at the University of Notre Dame, under the direction of Julian Samora, sponsored by a grant from the Ford Foundation. The opinions expressed in the report do not necessarily represent the views of the Foundation.

Mexican Immigration and American Labor Demands

Introduction

The purpose of this paper is an attempt to show the relationship between immigration to the United States and the demand for labor within the United States.

The first part of the paper will attempt to give a brief historical review of immigration into the United States up until the turn of the century. The rest of the paper will concentrate on legal and illegal immigration from Mexico into the United States during the period 1910 to the present.

Mexico appears to be a special case in immigration history because of its proximity to the United States, the common history of the region, the long border which is almost impossible to patrol in its entirety, the conquest of one nation by the other, the international relationships which have developed, the question of a developed nation next to a developing nation, and the intertwining economy in the border area.

Brief Historical Review

In this brief historical review we will be concerned primarily with certain labor demands in the United States and how the labor has been supplied to meet these demands.

Wittke (1949:8) tells us that as early as 1850 American laborers resented the competition which was provided by immigrant labor. The protest of the domestic laborers generally centered on the fact that immigrant labor threatened the standard of living, the wage rates, and the employment of domestic labor.

Reaction against Irish immigration for example occurred as early

as the middle of the nineteenth century. By 1840 1,150,00 Irish had immigrated into the United States. This population was considered as completely unassimilable to American society (Wittke, 1949:7). It could be said that these immigrants from Ireland were the first to receive the scrouge of discrimination from the dominant society, a discrimination which was repeated on each successive ethnic group as it has arrived in the United States. The usual stereotype of the immigrant has been that they are dirty, stupid, riotous, intemperate, corrupt and immoral. Such terms were used to describe the Irish during the decade 1840 to 1850 (Wittke, 1949:9).

This sterotype which was so easily used to describe the Irish immigrant, was also used to describe other immigrants during the second half of the nineteenth century. During this period millions of Italians, Greeks, and other nationalities from Southern Europe, fleeing internal turmoil, made their way into the United States. These immigrants were discriminated against in employment and wages, without regard to capabilities. (Eckler and Zlotnick, 1949:96) Yet Joseph E. Hill (1911) asserted that immigration to the United States has always been a response to the demand for "unskilled rather than skilled manpower". (Eckler and Zlotnick, 1949:97).

We see then a paradox which characterizes the reaction of Americans to immigration to the United States. On the one hand the doors have been opened for unskilled labor which was to fill unskilled occupations at low wages (Eckler and Zlotnick, 1949:96) and this labor was to meet, in the nineteenth century, the demand and necessity for labor necessary for industrial expansion and development. On the other hand we see the negative reaction expressed by prejudice and discrimination by many, particularly those most threatened by the immigration.

Toward the end of the nineteenth century a new source of labor was sought, and the United States turned to China and Japan for agricultural laborers primarily for the West Coast. This source of labor was to replace the immigration from Southern Europe. These latter immigrants, too, were received with the same negative reaction as the earlier immigrants.

In 1882, on the recommendation of President Arthur, one of the first immigration laws was formalized to establish restriction on an open immigration policy. In this same year the Chinese Exclusion Act was formalized. It limited the supply of cheap labor from China. (Wittke, 1949:13). This legislative act brought new restrictions to certain immigrants such as prohibitions against Japanese to rent or acquire property (Wittke, 1949:13), and restrictions on the acquisition of United States citizenship. These limitations then made agriculturalist look toward the Philippines for laborers.

After the assassination of President McKinley new restrictions were suggested in order to prevent the entrance of anarchists and professional beggars (Gordon, 1959:8).

The prejudice and discrimination directed earlier toward Irish immigrants were transferred to immigrants from Southern Europe, principally from Italy, as well as to later immigrants. This prejudice and discrimination were related to the economic crises which occurred during the first decade of the twentieth century (Gordon, 1959:8). As a result of the report of the Dillingham Commission (1911) a new, and important immigration restriction was implemented, namely, the literacy test. This was the epoch of the reign of the white supremacy which was espoused

by poets such as Thomas Bailey Aldrich, Lothrop Stoddard and Madison Grant who launched an attack to what they called "invasion of barbarians", who threatened the social tranquility with "unknown gods and rites" and who constituted a danger which threatened "the purity of our air" (Wittke, 1949:14).

The Asiatic immigration was contained by the policy of the "Asiatic barred zone", and the European immigration was contained by the policy of quotas in 1921. (Bremer 1949:142-143; Gordon, 1959:9).

The first law of quotas appeared in 1921 establishing a new criteria which limited immigration according to "quality and in quantity". It was determined that a maximum of 357,000 persons would be received as immigrants into the United States (Wittke, 1949:17). This number was reduced to 162,000 by the new law of quotas in 1924. Although the quotas favored northern European countries, the quota law established exceptions, the most important being the lack of quotas for Western Hemisphere countries.

According to Eckler and Zlotnick (1949:92-101), the history of immigration to the United States has been a history of accommodating cheap foreign labor. The demand for cheap labor has been provided by a variety of ethnic and national groups. On the one hand these immigrants have been received with open arms, on the other hand they have been perceived as threats to the society and on them has been heaped the scrouge of prejudice and discrimination.

As the sources of labor from Europe and Asia have depleted or been restricted, it is very clear that Mexico has become the main source of cheap labor, notwithstanding the later immigrations from Puerto Rico, which over the past fifteen years has supplied both rural and urban laborers.

Mexican Immigration

A Border Without Boundaries

In all of the massive immigrations which have occurred and to which we have referred in the previous section, we encounter a common denominator and that is the confrontation of the immigrant with a new socio-environment, the immigrant encountered attitudes, behavior, and symbols which constantly reminded him of his new status as a newcomer. The language, the customs, the opportunities, all served to remind him of his status as an alien.

In most of the immigrations we also find a dramatic and sometimes almost complete termination of further immigration into the country, at a certain point in history. We find, too, that many immigrants came to this country either seeking opportunity, or fleeing oppression and tyranny, and almost certainly wanting to become "Americans". We find also that the distance between the United States and the source of immigration has generally been great and in most cases separated by an ocean.

In the Mexican case we find in the first place that they were a conquered people, not unlike the indigenous Indians. We find no particular assimilative resolution, that is, a desire to be "American". In the early years along the border for many it was never quite clear whether they were in their country or in someone else's country. Many friends and relatives were easily accessible and still are, on either side of the border. The proximity of the one nation with regard to the host society is such that their close territorial contact extends for over 1800 miles. Restrictive quotas have never applied to immigration from the Western Hemisphere as they have for immigrants from the

Eastern Hemisphere. As to the cultural differences, to be sure the Mexican immigrant does enter into a new and different culture and social structure but at the same time there are enough vestiges of his own culture in the form of food, language, religion, and forms of settlement, that an immigrant whether he opts for the rural area or the urban area can find in most instances cultural enclaves into which he can settle easily without cultural shock.

Although there was continual movement back and forth in that territory which the United States took from Mexico, there were few recorded instances of immigration into the United States from Mexico until the turn of the century. Gamio (1930:2), places the Spanish-Speaking population at the turn of the century in the United States at 221,915. Part of this population was obviously immigrants, but perheps a larger part of this population consisted of those people and their descendents who were conquered in the Mexican-American War. Saunders (1950:2) estimates this population numbered 100,000 in 1850.

The development of the frontier, the expansion of agriculture, the building of the railroads, the beginnings of industry and commerce, brought with it a demand for labor, at a time when the source of labor had been practically cut off from both Europe and Asia through restrictions. The effects of these restrictions particularly as they were directed toward Asia shows a decreasing immigration as can be seen in Table I. The placement of quotas for other immigration, which did not apply to Mexico, made Mexico, then, the great supplier of labor for the development of the Southwest. Table I, again shows in broad perspective the explosive increase of immigration from Mexico from 1880 to 1920.

TABLE I

Foreign Born Population in the U.S.

	1880-1890		1890-1900		1900-1910		1910-1920	
	Number	Percent*	Number	Percent	Number	Percent	Number	Percent
Born in Asia	5,766	5.4	6,852	6.0	71,236	59.2	46,466	24.3
Born in Mexico	9,454	13.8	25,540	32.8	118,522	114.6	266,503	119.2
Total of foreign born	2,569,617	38.5	1,091,716	11.8	2,920,061	32.9	90,212	0.8

Source: U.S. Census, quoted by Carpenter, 1927:80-81.

*The increase for each decade have been based on the number of persons reported at the beginning and end of the decade.

4790

1910 marks the beginning of the Mexican Revolution. Among its several consequences was the unemployment of people in Mexico as the fields were turned into battle grounds. The individual Mexican who did not partake in the revolution had little choice but to leave his land in search of employment. This migration of peasants was directed to either Mexico City or to the Mexican border. (Galarza, 1964:28).

Thus the economic development of the Southwest, the lack of immigration quotas for Mexico, the Mexican Revolution, the easy access to the border, and the demand for cheap labor, all are related to the tremendous increase in Mexican immigration to the United States during this period.

The Mexican Revolution and The First World War

It did not take long for employers in the United States, with a concern for mining, agriculture, industry, railroads, or business and commercial enterprises, to see the advantages of employing cheap labor from Mexico, since cheap labor from other sources was essentially unavailable, and Mexico seemed to have an inexhaustible supply.

The Corpus Christi Herald for example in 1910 advertized and invited investment in the Lower Rio Grande Valley, offering as its principle attraction of the region "the cheapest Mexican labor that you can find". (Taylor, 1934:105). Parenthetically, we find the same type of propaganda being offered by the Chambers of Commerce of American border cities and their development commissions as late as 1969. This is the twin-city concept but it has the same meaning namely, cheap labor is available for American industry. Tucson blatantly advertised the availability of labor at 30¢ an hour across the border.

As a result of the efforts to obtain cheap labor early in the century, we find also a reaction of domestic laborers who feel affected by such unfair competition. This situation, accompanied by lower wages and high unemployment rates of domestic employees in the border area, has as a consequence the displacement of domestic employees, among them, Mexican-Americans. This situation plagues us even today. Samuel Gompers, President of the American Federation of Labor, illustrates the problem in this way:

> When confronted by demands of high wages, shorter hours and better conditions in New Mexcio, the mine operators called across the border line and Mexican miners came to take the places of the Americans. (Gompers, 1916:633).

Since the owners of the mines of New Mexico and Colorado also owned the mines of Mexico, the experience and ability of Mexican miners was well-known in the United States. (Gompers, 1916:634).

The significance of bringing Mexican workers has had the stigma that this labor has been brought to the United States to act as strikebreakers, to hamper the union movement, and to lower the wages and the working conditions of the American laborer. We quote Samuel Gompers again to illustrate this point:

> Distance was no barrier to the coal and gold mine operators of Colorado who wished to use unsuspecting Mexican miners in order to maintain their domination over the lives of the miners of Colorado . . . conditions had stultified Mexican laborers. They were not fully conscious of the wrongs done to themselves or the injury that they did to American workers by undermining existing standards and conditions. (Gompers, 1916:634).

One factor that seemed to be always in favor of the Mexican worker when he came to the United States seemed to be the betterment to him which such work signified. Betterment in the sense that

to obtain work in the United States as compared with the situation in Mexico, particularly in the case of the miners, usually meant higher wages. It was not by coincidence that the Revolution of 1910 began with strikes by miners from Cananea, Sonora and the workers of Rio Blanco, Veracruz, this indicated a situation which Gompers described as "It was a revolt of a united people who had been despoiled of their political rights as well as their property and opportunities." (Gompers, 1916:634).

The number of Mexican immigrants to the United States as of 1924 is estimated by Gamio (1930:2) at 890,746. Although Gamio himself questions the reliability of this figure, we should state that this figure referred to immigrants who were admitted legally. No one knows how many Mexican immigrants entered illegally into the United States at the beginning and during the massive population movement which took place between the first and second decade of this century. But we can estimate that the illegal number was greater than the legal if we take into account the following factors which favored illegal immigration. These factors were observed by Gamio in his investigaions made in 1926:

1. The difficulties presented by the American immigration laws to illiterates who could not pass the literacy test.

2. The loss of time and money which was caused by waiting on the Mexican side while the legal requisites were taken care of before admission to the United States.

3. The amount of money paid to a smuggler or "pasador" in order to get in to the United States was generally less than the $18 which the immigrant visa cost. (Gamio, 1930: 10).

At the turn of the century the Mexican peasant was by definition illiterate. Not only was education beyond his reach, but education was often prohibited to him (Bustamante, 1969:13). Thus his

very ignorance kept him a peasant. Under this conditions his life was conditioned by tradition, which he generally accepted with the upmost of fatalism. This was a peasant who followed the route north, a route which did not really take him away from the cultural influence that he had known. McWilliams says "Migration from Mexico is deeply rooted in the past. It follows trails which are among the most ancient of the North American continent. Psychologically and culturally, Mexicans have never immigrated to the Southwest: They have returned." (McWilliams, 1949:58).

On the one hand legal admission to the United States was terribly complicated and quite often beyond the reach of the peasant; on the other hand with the exception of five or six points of entry, there was little vigilance on the border (Jones, 1965:13) which is 1,870 miles long. Thus it seems logical that for the most part Mexican immigration to the United States would be illegal. (Jones, 1965:15).

The Border Patrol and The Wetback Era

The creation of the Border Patrol in 1924 (Jones, 1965:15) made necessary a greater distinction between those who cross the border legally and those who violated the immigration laws. The mission of the Border Patrol was enforcement of these immigration laws which up to this date are not well understood or either ignored by the immigrant who, in the absence of an official who might sanction him upon his illegal entry doesn't really identify himself as a lawbreaker. The Border Patrol became this official who served as a reference point to the illegal immigrant with regard to the legal consequences of the violation of the immigration laws. Before the Border Patrol, the illegal immigrant just had to stay out of trouble and not implicate himself with the police or the judicial authorities in order to consider himself completely

TABLE II

Apprehensions of Illegal Immigrants
by the Border Patrol

Period	Apprehensions	Deportations	Voluntary Departures	Total
1892-1900	- - - - - - -	1,327	- - - - - - - - - - -	1,327
1901-1910	- - - - - - -	11,558	- - - - - - - - - - -	11,558
1911-1920	- - - - - - -	27,912	- - - - - - - - - - -	27,912
1921-1930	128,484	92,157	72,233	164,390
1931-1940	147,457	117,086	93,330	210,416

Source: 1966 Annual Report of the United States Immigration and Naturalization Service.

safe in the streets and roads and fairly free to choose the most convenient work. (Jones, 1965:16) Only the courts could decree his deportation. Generally speaking deportation came as a consequence not so much of having entered illegally but rather having become involved in some criminal offense.

The creation of the Border Patrol was accompanied by a new administrative procedure which accelerated the expulsion of the illegal immigrant, which before this time was made through deportation. This new administrative procedure is called "voluntary departure". An illegal immigrant who has been apprehended is required to demonstrate his legal status in the country. If he can not demonstrate this status he is subject to deportation. If the illegal immigrant, however, wishes to avoid being deported, he is invited to leave the country voluntarily. If he refuses this invitation, theoretically he should be taken before a judge in order to prove his legal entry. If he can not prove legal entry he is then subject to deportation.

Table II, illustrates the effects on illegal immigration after the creation of the Border Patrol and the administrative procedure of voluntary departure.

The very apparent increase which appears in the decade 1921 to 1930, marks a very important change in the history of the Mexican illegal immigrant. From being one of many migratory workers and almost certain that his illegal entry would not bring any sanction, his status was changed, beginning in 1924, to that of the fugitive from the law who had to be constantly hiding in order to not be apprehended and expelled from the country. He became known as the "wetback".

The establishment of the Border Patrol was accompanied by an organized form of smugglers. These have been called by various names:

"smuggler", "man-snatcher", "coyote", "enganchista", or "pasador". The "smuggler" has usually been a Mexican (Galarza, 1956:60) and he operates by keeping abreast of the demand for labor in the United States, particularly agricultural labor along the border, and many times he acts as an agent or labor contractor. If he acts as an agent or contractor he is paid so much a head for each worker. He crosses the border into Mexico, secures his workers and assures them that he knows the best crossing sites. Sometimes this means that there will be less vigilance at the sites or sometimes it means that he has made an arrangement with the Border Patrol (Bustamante, 1969:42). None of these promises on the part of the smuggler need necessarily be true in order to get the necessary men to follow him. The price for his services are paid in advance. In 1926 it was less than $18 (Gamio, 1930:10). Our own investigation in 1969 suggests that the price to the smuggler varies between $200 to $300. Some of the workers do in fact cross safely, that is without being apprehended, and find work as promised by the smuggler. More often than not, however, the wetback is apprehended before he finds work.

There have been many tragedies with regard to the smuggling of aliens, most of which are related to the methods of transportation.

The establishment of the Border Patrol in 1924 modified not only the interaction between the illegal immigrant and the U.S. authorities, but also modified the pattern of interaction between the illegal entrant and the employer. Before 1924 salaries and working conditions were established according to the supply and demand of the labor force. After the establishment of the Border Patrol a new factor came into being, namely the danger of being apprehended and thus returned to Mexico. Thus the threat of being turned in presented a new dimension

to the disadvantage of the illegal entrant. Since anyone can turn in an illegal, such a threat began to narrow down the social contacts which the illegal might establish, with the exception that he must always have some relationship to the employer. In our estimation the implicit or explicit threat of being turned in, even by the employer, brings a new element into the situation with regard to wages and working conditions. In a real sense the illegal is at the mercy of the employer, the alternatives of accepting or not accepting a job are not necessarily open to the illegal, because an employer can in fact insist that the wages and working conditions be accepted by the illegal or face the possibility of being turned in to the Border Patrol. How common this is we don't really know but such instances have been reported by Saunders and Leonard (1951:72), Hadley (1952:352), and Jones (1965:14-20). Seventeen out of 497 wetbacks interviewed by the authors in 1969 complained of the employer having turned them in to the Border Patrol without having paid their salaries. Fourteen were working in Texas, two in California and one in Arizona. The following illustrates a situation with regard to the relationships between the Border Patrol, the interests of the employer in obtaining cheap labor, and the exploitation of the wetback:

> The wetback who finds agricultural employment in the Valley frequently does not have an enviable lot, even in terms of local standards* His hours are long, his wages low . . . His work day may vary in a length from eight to twelve hours. His time is completely at the disposal of the employer. His productivity hour for hour is probably less than that for the citizen laborers, but he will work longer

*We must point out that the "local standards" with which Saunders and Leonard are comparing the "non-enviable lot" of the wetback in that area, were found to be the lowest in the United States with the sole exception of the Indian Reservation's surrounding areas. (Select Commission on the Western Hemisphere, 1968:113-130).

> and more steadily than the citizens. He is usually afraid to protest against working conditions and will accept fairly low wages without comment. He seldom bargins for his services, but accepts the rates offered by the employer. . . . It is a common belief among those familiar with working conditions in the Valley that it is the wetbacks docility, even more than the low wages he works for, that makes him so attractive as a worker. At least it can be stated with assurance that the illegal status of the wetback in the U.S. provides a powerful club that can be brandished over his head at any time. And, it is not difficult for an employer to see that a recalcitrant wetback is rapidly deported to Mexico. (Saunders and Leonard, 1951:54-55).

The depression of the 30's brought about a number of measures which affected immigration from Mexico. Perhaps the more serious of these was what has been called "operation deportation" realized in 1930. Although no statistics were kept for this operation (Jones, 1965) the general procedure was to require all those suspected of being aliens to prove that they were born in the United States. The person who could not satisfy this requirement was expelled by the country under the administrative procedure of "voluntary departure". This was done in order to reduce the number of unemployed during the Depression as well as the large number of people who were on welfare. This procedure also proved to be a hardship for many Mexicans who had in fact left Mexico as many as twenty years before, as immigrants, and now they found themselves expelled from the country.

The number of wetbacks continued to grow after the Depression and with it also grew the discontent of Mexican-American workers in the Southwest who felt that they were displaced by the wetbacks, particularly in the border region, and that many of their problems such as public health, illiteracy, education, unemployment, and poverty were aggravated by the presence of the wetback.

Many inhabitants of the urban areas along the border blamed the wetback for all their problems without giving much thought to the attitude of the growers which was summarized eloquently by Vice-President Garner "In order to make profit out of this (agri-business) you have to have cheap labor". A similar attitude was expressed by Senator McCarran who pleaded that we look at the situation realistically in terms of the interests of the employer and his need for the wetback.

As the problem grew more serious it also began to get national attention. The New York Times said:

> It is remarkable how some of the same Senators and Representatives who are all for enacting the most rigid barriers against immigration from Southern Europe suffer from a sudden blindness when it comes to protecting the Southern border of the U.S. This peculiar weakness is most noticeable among members from Texas and the Southwest, where the wetbacks happen to be principally employed. (New York Times, November 28, 1952. Cited in Scruggs, 1963:149).

Many Mexican-American organizations exerted pressure on the U.S. Government to stem the flow of Mexican illegal immigrants, as well as the bracero, and the commuter. The claim being that all of these population movements had adverse effect on wages and working conditions and standards of living for the domestic population.

Finally President Eisenhower asked Attorney General Brownell who had visited the region to propose a plan. The plan turned out to be that General Joseph May Swing* was named Commissioner of Immigration and Naturalization Service, in charge of the Operation Wetback (The Immigration and Naturalization Reporter, 1954:1).

---

*General Swing's service record includes his participation in the expedition that invaded Mexico in 1916.

In July of 1954 General Swing presented his plan to a group of employers in South Texas and said: "When President Eisenhower appointed me for this job his orders were to clean up the border. I intended to do just that." (McBride, 1963:5).

Operation Wetback was pursued with military efficiency and the result was that over a million wetbacks were expelled from the country in 1954.

At the end of 1956 some people considered that the problem of the wetback was an episode of history. But as we move through the years we find that while there was a great decrease in the number of wetbacks from 1954 to 1959, we begin again to see an increase of illegal immigrants up to the present time. (See Table III).

One might in fact suggest that if agricultural production was so dependent on wetbacks, then presumably Operation Wetback would have brought about an economic castastrophe to the border region. Other things happened and the economic castastrophe was not realized. The process of legalizing wetbacks and converting them into braceros (which we will discuss in the following section), was one thing. Many of the wetbacks who were expelled as illegals came back as braceros, legally. Operation Wetback may have dried out a pool of cheap labor within the United States but it certainly augmented the pool of cheap labor across the border in Mexico.

Law, Power and Discrimination

The decade between the 1930's and 1940's was a period in which it became obvious that the supply of labor, whether legal or illegal (for the Southwest), was obviously based in Mexico. It was during this period also that the prejudices and the discrimination towards

TABLE III

Apprehensions, Deportations and Voluntary Departures Recorded by The Immigration and Naturalization Service*

Period	Apprehensions	Deportations	Voluntary Departures	Total
1941-50	1,337,210	110,849	1,470,925	1,581,774
1941	11,294	4,407	6,531	10,938
1942	11,784	3,709	6,904	10,603
1943	11,175	4,207	11,947	16,154
1944	31,174	7,179	32,270	39,449
1945	69,164	11,270	69,490	80,760
1946	99,591	14,375	101,945	116,320
1947	193,657	18,663	195,880	214,543
1948	192,779	20,371	197,184	217,555
1949	288,253	20,040	276,297	296,337
1950	468,339	6,628	572,477	579,105
1951-60	3,584,229	129,887	3,883,660	4,013,547
1951	509,040	13,544	673,169	686,703
1952	528,815	20,181	703,778	723,959
1953	885,587	19,845	885,391	905,236
1954	1,089,583	26,951	1,074,227	1,101,228
1955	254,096	15,028	232,769	247,797
1956	87,696	7,297	80,891	88,188
1957	59,918	5,082	63,379	68,461
1958	53,474	7,142	60,600	67,742
1959	45,336	7,988	56,610	64,598
1960	70,684	6,829	52,796	59,625
1961	88,823	7,438	52,383	59,821
1962	92,758	7,637	54,164	61,801
1963	88,712	7,454	69,392	76,846
1964	86,597	8,746	73,042	81,788
1965	110,371	10,143	95,263	105,406
1966	138,520	9,168	123,683	132,851
1967	108,327	-----	-------	108,327
1968-69	151,680	-----	-------	151,680

Source: 1966 Annual Report of theU.S. Immigration and Naturalization Service: 92. (Figures of fiscal years 1967-1968) Report of Field Operations of the Immigration and Naturalization Service. (Unpublished).

*Figures in the column of totals include apprehensions made by other authorities rather than the Border Patrol. Figures include the totality of aliens either voluntary departed or deported.

this labor was in a sense institutionalized. This means that the attitudes, the values, and the norms of behavior related to this population were formalized and continue to the present time. A deputy sheriff appearing before the LaFollette Committee hearings, illustrates the point:

> We protect our farmers here in Kern County . . . they are our best people . . . they keep the county going . . . but the Mexicans are trash. They have no standard for living. We herd them like pigs. (McWilliams, 1949:191).

In this eloquent declaration we find a statement of the factors which have been related to the interactive process between immigrant Mexicans as they relate to the social structure which needs his labor. Without elaboration these factors are: 1) The need to protect the interests of the growers. 2) The value judgments which justify the protection of these interests. 3) The power of the growers as they are "protected". 4) The justification to treat Mexicans in whatever manner is necessary. 5) The lack of power of the Mexican immigrant before the social structure. 6) The prejudicial attitudes and the discriminatory behavior directed toward the Mexicans.

Other writers quoted before (Saunders and Leonard, Hadley, and Galarza) have noted the same prejudicial attitudes and discriminatory behavior which in a word can be called the exploitation of cheap labor.

Our point is that this exploitation was institutionalized during this period although the historical basis preceded it. Note for example:

> Mr. Chairman, here is the whole problem in the nutshell. Farming is not a profitable industry in this country, and, in order to make

> money out of this, you have to have cheap labor . . . in order to allow land owners now to make a profit on thier farms, they want to get the cheapest labor they can find, and if they can get the Mexican labor it enables them to make a profit. That is the way it is along the border and I imagine that is the way it is anywhere else. (Committee on Immigration and Naturalization Hearings, 1926:20-23).

The above quotation was taken from John Nance Garner, before he became Vice-President of the United States, during the administration of Franklin D. Roosevelt. This statement from such a high official in the U.S. Government suggests if not the power certainly the influence of the growers.

Senator McCarran, many years later declared:

> . . . Senator (Elender), I think you will agree with me that on this side of the border there is a desire for these wetbacks . . . Last year when we had the Appropriations Bill up, the item that might have prevented them from coming over to some extent, was stricken from the bill . . . we might just as well face this thing realistically. The agricultural people, the farmer along the Mexican side of the border in California, in Arizona, in Texas . . . want this help. They want this farm labor. They just can not get along without it. (Senate Committee of the Judiciary of S. 1917 Hearings 1953: 123).

This again illustrates the institutionalization of the exploitation of cheap labor with regard to Mexicans. There seems to be little regard in these statements as to the morality or immorality of the action and certainly not much regard as to the legality or illegality of the action. Thus illegal immigration and the hiring of illegal aliens seems to be taken for granted, and it comes as a given in the economic situation along the border.

In the meantime it seems as if the growers viewed the situation of the illegal immigrant as a question of supply and demand. Expressed in these terms they presumably did not view the reduction of wages

over time as anything bad. As a matter of fact in the study of the Fabens community near El Paso in 1969, the growers still talk about their provision of jobs to Mexicans who without these jobs, would undoubtedly be starving in Mexico. Gamio found that in 1926 the average wage for the Mexican immigrant was $1.50 to $1.75 a day (8 hours) in Texas (Gamio, 1930:39-41). Saunders and Leonard found in 1950 that the average wage of the wetback in the Lower Rio Grande Valley $2.50 for a twelve hour day. This then means that twenty-four years later the grower of south Texas has not increased wages during this period as the comparison of those figures indicates. On the other hand if we look at the profits for agri-business in the same region of the Lower Rio Grande Valley between 1920 and 1950 we find an increase of 1,000%. (Saunders and Leonard, 1950:16-17).

In view of this situation it is no wonder that domestic workers have raised questions about the lowering wages and the unemployment and displacement of the domestics with the importation of illegal workers. A fruit picker from Sonoma County, California, where work in the fall of the year can be found in apples, prunes, grapes and walnut picking, express typical bitterness over wetback competition in a letter to government officials dated September, 1953. He complained:

> The Wetbacks are driving the American workers out of the fields, the American workers don't want to live on charity, they want to work under decent conditions . . .
>
> We are American taxpayers, we have worked hard to pay for our small homes, we have also been paying income taxes for years when we had steady jobs, work has been falling off in Sonoma County of late . . . and us taxpayers need these fruit jobs badly, it is bad enough to compete with Mexican National labor (Contract Labor usually brought in) but we just cannot compete with Wetbacks.

> We just cannot live under the same conditions these Wetbacks live under, and we just cannot work under these conditions these ranchers expect American people to work under. The Chamber of Commerce advertises over the radio, also in the newspapers, how short the ranchers are on help to harvest their crops, there is no shortage of fruit help, the reason is, the ranchers want cheap labor, that will live and work under any condtions . . . (Quoted by Hadley, 1954:345).

This letter is illustrative of the problem of the displacement of domestic workers, generally local Spanish-Speaking persons or Mexican-Americans. They speak frequently and bitterly about the low wages that they are offered. They talk about the number of times they are refused work because they are citizens, the necessity to move northward during a part of the year because of their inability to obtain work in places where the aliens have been hired at wages on which they can not live, and the educational handicaps placed on their children as a result of this migration, which, for many starts before school is out in the spring and ends long after it has started in the fall (Scholes in Samora, 1966:63-94).

One of the most tragic roles which the Mexican immigrant, particularly the illegal has had to play is that of strikebreaker. This has been true of those who have worked in agriculture in the border area, in the mines of the Southwest, and in the industrial setting in the Great Lake areas. The result of this has been an unfortunate relationship between domestic workers and alien workers, as well as a situation which has favored the employers by pitting groups of workers, against each other, in many instances Mexican-Americans against Mexicans, to the advantage of the employer. Thus a general hostile situation has come to pass between Mexican-Americans and

TABLE 1.

Temporary Workers Admitted to the U.S. During the Bracero Program

Year	Number of Braceros	Year	Number of Braceros	Year	Number of Braceros
1942	4,203	1950	67,500	1958	432,857
1943	52,098	1951	192,000	1959	437,643
1944	62,170	1952	197,100	1960	315,846
1945	49,454	1953	201,380	1961	291,420
1946	32,043	1954	309,033	1962	194,978
1947	19,632	1955	398,650	1963	186,865
1948	35,345	1956	445,197	1964	177,736
1949	107,000	1957	436,049		
				TOTAL	4,646,199

Sources: Jones, 1965:21, Scholes in Samora, 1966:67

Mexican aliens in which in reality the "bad guy" of the situation, the employer, comes out unscathed.

The Bracero Program

The Bracero Program was created by an agreement between the United States and Mexican governments in July 23, 1942. The rational for the program was to overcome manpower shortages originated by the involvement of the United States in the World War II. Agricultural productior was viewed as vital to winning the war. Thus, the lack of agricultural labor was considered a concern of the War Food Administration. This agency, in cooperation with the Department of Labor and the Immigration and Naturalization Service, established a labor recruitment program as an emergency war measure (R.S.C.W.H.I., 1968:92), based upon the U.S.-Mexico agreement.

The main provisions of the U.S.-Mexico agreement for the Bracero Program were:

> Mexican workers were not to be used to displace domestic workers but only fill proved shortages. Recruits were to be exempted from military service, and discrimination against them was not to be permitted. The round trip transportation expenses of the worker were guaranteed, as well as living expenses on route. Hiring was to be done on the basis of a written contract between the worker and his employer and the work was to be exclusively in agriculture. Braceros were to be free to buy merchandize in places of their own choice. Housing and sanitary conditions were to be adequate. Deductions amounting to 10% of their earnings were authorized for deposit in a savings fund payable to the worker on his return to Mexico. Work was guaranteed for three-quarters of the duration of the contract. Wages were to be equal to those prevailing in the area of employment, but in any case not less than 30 cents per hour (Galarza, 1964:47-48).

These provisions as they related to adequate transportation, housing, wages, food, medical care, and guaranteed length of work,

were seldom provided and more often than not, the agreements were violated by the U.S. subscribers. (Galarza, 1964; Scruggs, 1963: 251-254).

Several factors intervened in the constant violation of the provisions of the agreement from the part of the farmers: 1) They were able to hire Mexican workers as braceros, by-passing the centers for recruitment run by the Mexican government, regardless of the provisions of the agreement; this made it impossible for the Mexican Government to control the guarantees established in protection of the bracero (Galarza, 1964); 2) The overt cooperation of the Border Patrol to admit workers as braceros regardless of Mexican government consent, (Galarza, 1964); 3) The practice of the "drying out" of wetbacks by the Border Patrol which consisted in taking large groups of wetbacks to the border, after their apprehension for their illegal entrance, making them place a tip of the toe on the Mexican side in order to make lawful their admittance as braceros. (Galarza, 1964); 4) The powerlessness of the Mexican government to enforce the provisions of the agreements over the American farmers and the indifference of the U.S. Government about its violations, for example, the "incident of October".*

World War II ended but not the emergency war-time measure called the Bracero Program. By several extentions the war measure lasted 22 years ending on December 31st of 1964. Table IV shows the magnitude of the Bracero movement which totaled 4,646,199.

*In October of 1948, 6,000 Mexican workers marched on the Mexico-U.S. bridge at El Paso, Texas admitted as braceros after being hired by farmers of the area, in spite of the Mexican government's opposition to let braceros go to Texas, as a protest for the discriminatory practices against Mexicans in that state. This massive hiring was considered as a cynic case of overt violation of the agreement and as a deplorable indifference of U.S. authorities to prevent or sanction the violation (Jones, 1965:21; Galarza, 1964).

The Bracero history did not accomplish one of the goals as conceived by the Mexican government, namely eliminating discrimination and exploitation of the Mexican worker.

The Commuter

It is necessary to distinguish between the official definition of commuter and the commuter phenomena. The former has been expressed in the following terms: "The aliens referred to as "commuters" are those aliens who have been lawfully accorded the privilege of residing premanently in the United States but who chooses to reside in foreign contiguous territory and commute to their place of employment in the United States" (R.S.C.W.H.I., 1968:101). In the legal sense, commuter is the one who bears a form I-151 known as "green card", issued to a person upon the rationale of the official definition.

The commuter history (related to Mexicans) might be traced back to the second decade of the century, when the 1921, 1924 and 1927 Immigration Acts made reference to this category. But it was not until the Registration Act of 1940 that the category of commuter was sanctioned by the Congress in its actual form.

The commuter phenomena acquired numerical importance since 1954, the year of the Operation Wetback. See Table V. We must point out that the figures available for the development of this topic do not indicate its actual history, as we learn from the Report of the Select Commission on Western Hemisphere Immigration that says to this respect:

> Many thousands of Mexican citizens are permitted to enter this country for business or

> pleasure with entry documents that do not permit them to work. Undoubtedly some of these visitors do work, despite the best efforts of U.S. authorities. Such illegal, wetback, workers would be regarded in the popular mind as commuters but would not appear in any official or semi-official estimate of the volume of alien commuters. (R.S.C.W.H.I., 1963:114).

With reference to those who enter the U.S. but who are not permitted to work, the U.S. Counsul General at Tijuana, Mexico stated "Considerable in excess of 150,000 are estimated to be holding border crossing cards issued by I.N.S. at San Ysidro". (S.C.W.H.I. Hearings, Part I, 1968:16).

That is to say, the volume of the commuter phenomena comprises 1) The "green card" (Form I-151) holder, 2) The crossing card (Form I-186) holder who crosses legally but may work illegally in the U.S. and 3) The wetback who lives in the border side of Mexico and crosses back and forth illegally.

We shall attempt to draw a picture of the commuter phenomena by inferring from scattered information about some aspects of each category.

The first dimension is shown in Table V, although we must point out that the figures for 1967 at least, appear to be incongruent with a statement made by George K. Rosenberg, Los Angeles District Director of the Immigration and Naturalization Service who said:

> From time to time a sample count is taken and the last such sampling was taken between November 1, 1967 and December 31, 1967, the total number of commuters crossing the border between Mexico and California during this period was 15,284. (S.C.W.H.I., Part II, 1968: 6).

These figures, however, and those in Table V, are generally considered conservative, because regular statistics are not kept and

TABLE V

Mexican Aliens Admitted As Commuters To The U.S.

Year	Number	Year	Number	Year	Number
1952	9,079	1958	26,791	1964	34,448
1953	17,183	1959	22,909	1965	40,686
1954	30,645	1960	32,708	1966	47,217
1955	43,702	1961	41,476	1967	43,034
1956	61,320	1962	55,805	1968	44,000
1957	49,321	1963	55,986		

Source: Select Commission on Western Hemisphere Immigration, pp. 40-56.

other than "green carders" commute.

In reference to category (2) we shall take into account part of the testimony of Mr. Rosenberg at the same hearings:

> Mr. Scammon: What about the 72-hour cardholders, do you have any estimate as to how many there are in the area?
>
> Mr. Rosenberg: No, Sir, I don't have any estimate because we keep no statistics.
>
> Mr. Scammon: Would there be several hundred thousand?
>
> Mr. Rosenberg: Yes, I would say that for the reason that we inspect monthly at San Ysidro, approximately two million people a month. Now, that is counting the same body each time they cross. And the bulk of these people would be 72-hour cardholders.
>
> Mr. Scammon: Rather than commuters?
>
> Mr. Rosenberg: Yes, we feel that there are about 15,000 commuters crossing from Mexico into California. (R.S.C.W.H.I., Part II, 1968:8)

The Form I-186 (crossing card or shopping card or 72-hour card) is valid for 4 years. (S.C.W.H.I., Part I, 1968:9). Most of the aliens working illegally in the border area have entered legally by using the crossing card (S.C.W.H.I., Part II, 1968:13).

No one knows how many persons cross legally using the crossing and shopping card and work illegally in the U.S. The number, however, must be in the thousands. In Tijuana it is estimated that 150,000 persons have such cards and 75,000 in Juarez. El Paso issues between 2,500 and 3,000 of these cards monthly. Brownsville issues 1,500 to 2,000 monthly. Also hundreds of these cards are revoked monthly along all check points, because the violators have been caught working. (S.C.W.H.I., Hearings, Part I:10; Part III:12).

TABLE VI

Population Change in the Mexican Border States
(1950 to 1960 and projections to 1980)

State	1950	1960	Percentage of Change	Projection 1980
Baja California	226,965	520,165	129.1	2,408,100
Chihuahua	846,414	1,226,793	44.9	1,620,000
Coahuila	720,619	907,734	25.9	2,870,700
Nuevo Leon	740,191	1,024,182	42.6	2,657,600
Sonora	510,607	783,378	53.4	2,085,400
Tamaulipas	718,167	1,024,182	42.6	2,219,000
TOTAL	3,762,963	5,486,434		13,860,800

Source: Mexican Census 1960 and Benitez and Cabrera 1966:123-175.

The third category which we call the wetback-commuter is the most difficult to estimate. However, if it is considered that over 200,000 wetbacks were apprehended in 1969 and the great majority were apprehended near the border, the number must be considerable.

Analysis and Conclusion

Immigration of Mexicans to the U.S. appears related to a number of factors. Without implying either causality nor order of importance, these factors are suggested: 1) The demand for cheap labor in the United States. 2) The high population growth in Mexico. 3) Mexico's inability to keep up with this growth in terms of providing opportunities for employment, housing and education, despite tremendous advances and rapid economic development during the past thirty years. 4) The internal migration, rural to urban, which has taken place, focusing on the Federal District and the northern border cities.

Table VI shows that Mexico's population, using the 1960 census, will double by 1980. (Benitez and Cabrera, 1966). Such growth suggest the need for great economic development which will provide the employment, housing and education necessary to accommodate this growth. Since the economic development has not kept up with the population growth, the rural population in the less developed areas have been moving to the urban or more developed areas. This migration had its beginning at the turn of the century and its direction has been more and more the Federal District and the cities of the northern border. (Galarza, 1966:28). Between 1950 and 1960 the Federal District received 48% of the emigrants from other Mexican states, whereas the border states of Baja California, Chihuahua and Nuevo Leon received 38% of the emigrants (Benitez and Cabrera, 1966:112). Table VII shows the

TABLE VII

Population Increase of Mexican Border Municipios

Municipio	Years 1940	1960	1967	Percentage of Change
Tijuana	21,977	165,690	347,501	1,481%
Mexicali	44,399	281,362	540,300	1,117%
Juarez	55,024	276,995	501,416	811%
Nuevo Laredo	31,502	96,043	140,818	347%
TOTAL Mexican Border Municipios	976,693	2,363,728	2,709,136	

Source: Unpublished figures U.S. Department of Labor.

increase (1940 to 1967) of the four largest municipios on the Mexican border. (A municipio is similar to a county.) Benitez and Cabrera (1966) have stated that the population of the six border states was 5,486,434 in 1960. Their projections to 1980 for the six states are 13,860,800 (Benitez and Cabrera, 1966:123-175). If the 1967 population of only the municipios along the border was close to three million, then it is clear that the cities along the border are the destination for this northern migration. The border cities have long served as a magnet which has attracted millions of people, many of them hoping to jump the border and find employment in the United States. This then constitutes the cheap labor pool which we have been stressing in this paper.

With such an abundant supply of labor on the border willing and even eager to work, it is not difficult to exploit it, considering the economies of the two countries. If the unemployed Mexican could get a job in Mexico his wages in all probability would not exceed $2.50 per day ($2.00 per day being the minimum). If he is offered between 50¢ to $1.00 per hour in the U.S. he would be doing very well by Mexican standards. U.S. citizens, however, would find it difficult to stay above poverty even at $2.00 per hour.

We hypothesize that the demand for cheap labor in the U.S., particularly in the agricultural, service, and unskilled occupations, complements the movement of Mexicans to the border, resulting in the consequent seepage into the U.S. As legal and illegal aliens come across by the thousands, wage levels are kept low and the domestic labor force becomes unemployed and many leave the area in search of employment. For years Mexican-Americans from the border area have

been the chief source of supply for the agricultural migrant streams* throughout the United States.

Cheap labor, besides lowering wages and displacing domestic labor has other consequences. It frustrates attempts at unionization and collective bargaining. Those who profit from this labor are a party to the creation of serious problems in the fields of public health, housing, transportation, education, delinquency, familial relationships, public welfare and the uprooting of populations.

> All in all, the ill-gotten profits from the exploitation of this illegal lbor seems poor compensation for the myriad real evils and potential dangers attendant on the use and encouragement of Wetbacks (Sanchez and Saunders, 1951:3).

Those population movements from the interior of Mexico to the northern border while related to Mexico's population growth and its economy, appear to us to be more closely related to the demand for cheap labor in the United States. In a sense the United States has created the Bracero, the wetback, and the commuter.

Those who argue that we shouldn't tamper too much with the present border situation for fear of reprisals from Mexico, need but review the U.S.'s violations of the Bracero agreements and the recent Project Intercept. Mexico for years has protested the treatment that her citizens have received in the U.S., but seldom has it brought reprisals. And the exploitation, prejudice and discrimination continues.

The resolution of many of these problems can begin on this side of the border by the enforcement of existing immigration laws as applied to commuters. We could establish and enforce laws which would punish those who employ illegal aliens. We could establish minimum wage laws

*The build-up of the Mexican-American population outside of the Southwest can be noted, as they drop off the migrant stream.

applicable to all labor. We could recognize that agribusiness is an industry and does not need preferential treatment and its workers should have the right of collective bargaining and unionization.

Mexico's economic development has ignored the border area for years. This development, although beginning, should be intensified in proportion to the need. We don't agree that the movement of American industry across the border is a sound approach.

It is obvious that problems of this magnitude and of international consequence require sets of priorities acceptable to both nations. Cooperation in and coordination of programs would be essential.

Perhaps a step in this direction was the ill-fated U.S.-Mexico Joint Border Commission on Development and Friendship, which the present administration saw fit to discontinue.

LIST OF WORKS CONSULTED

Benitez, Zenteno Raul and Gustavo Cabrera A. Proyecciones de la Poblacion de Mexico 1960-1980, Banco de Mexico, S. A., Mexico D.F., Departamento de Investigaciones Industrales, 1966.

Bremer, Edith T. "Development of Private Social Work With The Foreign Born", The Annals, Thorsten Sellin (Ed.), Philadelphia, The American Academy of Political and Social Science, 1949. pp. 139-148.

Bustamante, Jorge A. "Don Chano: Autobiografia de un Emigrante Mexicano", 1969. (Unpublished).

Carpenter, Niles. Immigrants and Their Children 1920, Department of Commerce Bureau of The Census, Washington, D. C., U.S. Government Printing Office. 1927

Ekler, Ross A. and Jack Zlotnick. "Immigration and Labor Force", The Annals, Thorsten Sellin (Ed.), Philadelphia, The American Academy of Political and Social Science. 1949. pp. 92-102

Galarza, Ernesto. Merchants of Labor, The Mexican Bracero History, Santa Barbara, California, McNally & Loftin, 1964.

Gamio, Manuel. Mexican Immigration to the United States, Chicago, Illinois, The University of Chicago Press, 1930.

Gordon, Charles and Harry N. Rosenfield, Immigration Law and Procedure, Albany, New York, Banks and Company, 1959.

Gordon, Milton M. Assimilation in American Life, New York, N.Y., Oxford University Press, 1964.

Hadley, Eleanor M. "A Critical Analysis of the Wetback Problem", Law and Contemporary Problems, Vol. 21, 1956. pp. 334-357.

Hill, Joseph. U.S. Senate,"Occupations of the First and Second Generation of Immigrants in the U.S."(Report of the Immigration Commission) Vol. 23, 5, Document 282, Washington, D. C., Government Printing Office, 1911.

Jones, Lamar B. "Mexican American Labor Problems in Texas", Ph.D. Dissertation, University of Texas. (Microfilmed copy) 1965.

McBride, John G. Vanishing Bracero, San Antonio, Texas, The Naylor Company, 1963.

Mexico, VIII Censo General de Poblacion 1960. Mexico, D. F., Direccion General de Estadistica, 1963.

Report of the Select Commission on Western Hemisphere Immigration, Washington, D. C., U.S. Government Printing Office, 1968.

Sanchez, George and Lyle Saunders, in Saunders and Leonard, 1951.

Saunders, Lyle. "The Social History of Spanish-Speaking People in Southwestern United States Since 1846", Southwest Council on Education of Spanish Speaking People, Albuquerque, New Mexico, 1950.

Scholes, William E., "The Migrant Worker" in Julian Samora (Ed.), La Raza: Forgotten Americans, Notre Dame, Indiana, University of Notre Dame Press, 1966.

Scruggs, Otey M., "Texas and The Bracero Program 1942-1947", Pacific Historical Review, August, 1963.

Select Commission on Western Hemisphere Immigration, Hearings, Parts I, II and III, Washington, D. C., U.S. Government Printing Office, 1968.

Wittke, Carl. "Immigration Policy Prior to World War I", in The Annals, Thorsten Sellin (Ed.), Philadelphia, The American Academy of Political and Social Science, 1949. pp. 5-15.

TESTIMONY
OF
MIGRANT RESEARCH PROJECT
1329 18th Street, N.W.
Washington, D.C. 20036

The Migrant Research Project (M.R.P.) of the Manpower Evaluation and Development Institute is funded by the Office of Economic Opportunity under the authority of Title II of the Economic Opportunity Act of 1964 as amended. The purposes of the Project are to:

a) Provide emergency food and medical services and funds to needy migrants.

b) Accumulate and document facts which establish the existence of practices and attitudes which exclude migrants from adequate participation in federal food and other relevant federal benefits programs.

c) Provide technical assistance to migrant groups and to government agencies in an effort to improve the provision of needed service to migrants.

FEDERAL FOOD AND BENEFITS PARTICIPATION STUDIES

We are attaching as appendices to our testimony an in-depth study on migrant access to and participation in federal food programs in the State of Michigan during the peak migrant months in 1969 (Appendix A) and a general report prepared by our staff relating to migrant participation in federally funded benefits programs (Appendix B). These reports clearly document the inability of migrant families, who are eligible to participate in federal food programs and desperately in need of food, to prove their eligibility and thereby receive the benefits of these pro-

grams at the time when they are most in need. Through these studies as well as other ongoing research activities, our experience in administering grahts to organizations providing emergency food and medical services to migrants in all parts of the country and reports furnished our organization by cooperating local agencies and indigenous local groups, we have identified certain basic legal and administrative obstacles to significant migrant participation in the federally funded food programs. Many of the most prevalent manifestations are set forth in these appendices.

None of these obstacles are new. Many were documented in the hearings before your subcommittee last year. Yet despite official awareness of them -- and despite the realization that because of increased mechanization in stream states, the hunger problem will be even more acute this year -- no measures have been taken to alleviate the stiuation.

Another serious obstacle to significant migrant participation in the federal food programs relate to the date relied upon by U.S.D.A. in formulating and evaluating its food programs. Based upon discussions between MRP staff members and U.S.D.A. officials in charge of administering the federal food programs, the following seems clear:

1) U.S.D.A. food officials do not consider nor do they rely upon information collected by other branches of U.S.D.A where it concerns matters directly affecting the hunger and nutritional needs of migrants. (An example would be the availability of work to the migrants due to weather and crop conditions or the increasing use of mechanization, even though such information is made available to the migrants' employer.

2) policy-making officials do not require tabulations or studies of migrant participation in federal food programs in spite of the availability of such information under the record keeping and reporting requirements of relevant acts.

3) the statistical data gathered through the United States

> Bureau of the Census and relied upon by U.S.D.A. to make policy decisions is inadequate because the base of the sample used contains less than 50,000 persons, nor does the data set forth include a detailed breakdown within the category of "Mixed Farm Working Force" of days worked and wages earned on farm and non-farm employment. The 1970 census offers little prospect of a clearer profile of the special characteristics of migrants as a populations group. The decennial census, including the 1970 survey presently underway, is not structured to differentiate between migrants and all other farm workers. In fact, it would be impossible to do so since Government agencies have failed to agree upon a definition of a "migrant agricultural worker." The U. S. Department of Labor, the U. S. Department of Agriculture, the U. S. Department of Health, Education, and Welfare, and the Office of Economic Opportunity have developed independent definitions for eligibility for their various programs with respect to a "migrant." At times, there have been conflicting definitions developed for programs within a Department. As a result, the "migrant worker" is a "migrant worker" for one program, but, at the same time, may not be a "migrant worker" for another government program.

Even assuming that better data collection methods were employed by U.S.D.A., there are other institutionalized impediments to an effective evaluation of migrant participation in food programs. There is no systematic collection of information on an annual basis (e.g., a yearly updating of the decennial survey) with suitable detail to enable planning, execution and assessment of existing programs or the tailoring of programs to meet the nutritional, employment and other needs of migrants. In short, there is a need to build into the data collection process the utilization of social indicators - a form of social accounting - to guarantee that the actual conditions under which migrants live are recorded and to measure the changes in those conditions over a period of time.

Furthermore, since more than one department of the federal government is charged with responsibility for alleviating the migrants'

plight, there is a need to create an interdepartmental council to oversee and integrate, on a coordinated basis, an effort to redress some of the current and easily anticipated problems that beset the migrant -- e.g., his health and nutritional needs, displacement by mechanization and generally uncertain employment opportunities, and substandard housing conditions -- to name only a few of the ills capable of immediate interdepartmental action.

Finally, in contrast to limited and contradictory data presumably relied upon by government policy-makers, the income and demographic data contained in Appendices A, B and C shows: (1) a high migrant eligibility for participation in federal benefits programs; and (2) low migrant participation due to a variety of administrative and legal barriers.

This pressing need for immediate action is still further highlighted by an employment and mechanization report contained as Appendix B. This report convincingly demonstrates the limited nature of work opportunities available this year for migrants working in the "stream states." It also lends substantial credence to the many reports of an impending hunger and nutritional crisis -- i.e., unemployed or underemployed migrants are expected to be stranded in stream states in much greater numbers than last year, without food or monetary resources, and still others will be forced to return to the home base states without sufficient savings from instream earnings to allow them to subsist until the next season for migratory labor.

Under these circumstances, at the very minimum, it is submitted that the Secretary of Agriculture has a clear legal duty to develop programs this year to increase substantially migrant access to

and participation in federal food stamp and commodity distribution programs. In any case, it is now clear that the Secretary of Agriculture possesses sufficient discretion to take positive steps by regulation or formal instruction to abate significantly the hunger and nutritional crises facing the many migrants in our country today under either the Food Stamp or Commodities Distribution statutes. See, Arlett Peoples v. United States Department of Agriculture, _____F.2d____C.A.D.C., (1970); Joy v. United States Department of Agriculture, 308 F. Supp.100 (N.D. Texas, 1969).

MICHIGAN HOUSING STUDY

Preliminary Findings

An intensive effort was made during the summer of 1969 to study the housing provided migrants working in the State of Michigan. The preliminary report of our efforts is attached as Appendix D. One hundred and forty-eight camps, situated in 33 different counties and varying in size between 6 and 261 occupants, were observed. The housing conditions recorded by our observers affected roughly 5,000 migrants.

The housing provided for migrant workers commonly consisted of cabins, farmhouses, motels, barns or garages, and in some instances even more primitive facilities. Not only was the housing generally found to be inadequate for the purpose intended, but to be structurally unsound as well. For example, observations revealed that 34% of the units had wet floors, 29% leaking roofs, 25% leaking floors.

In the same vein, a clear pattern of violations can be discerned in a myriad of important areas such as drainage; maintenance of an adequate, accessible and safe water supply; and provisions for recreational areas, eating facilities and lighting for common areas and facilities adjacent to the camp. Taken together, it is clear that migrants are not provided adequate and soundly maintained housing, nor the benefits customarily afforded other inhabitants of dwellings.

Overcrowding of these basically unsound units further accentuated the deficiencies found. For example, beds were not always available for the inhabitants and, when provided, almost invariably served more than two persons. Similarly, the same tabulation showed that 68% of the

children over six slept in the same room as their parents, contrary to regulations.

With health hazards due to overcrowding, poor drainage and structurally unsound construction already manifest to our observers, basic sanitation problems were also documented. For instance, only 22% of the camps provided a toilet for each housing unit. For the remaining units, the common privies provided were found to be insufficient in number and badly maintained and ventilated.

The camps were also regarded as hazardous by our observers. While this finding involves an element of subjectivity, it has particular significance since most units are constructed of easily ignitable material such as wood. Typical findings included inadequate and distantly placed fire-fighting equipment, bare or exposed electrical wiring, and inadequate or non-existent heating facilities necessitating the use of supplementary heating devices. The susceptibility to accidental fires, particularly where the facilities are overcrowded and littered with trash and garbage, seems self-evident.

One other basic finding merits attention. The camps housing federally recruited workers, while in violation of many regulations, were found to have measurably fewer overall violations per camp than those subject only to Michigan regulations. This finding is held to be significant because the federal standard serves as a model for state regulations and enforcement procedures.

RECOMMENDATIONS

While limited in scope, our demonstration project documents a

compelling case for further investigative and regulatory action. The most effective effort would initially involve a comprehensive study under the auspices of the state or federal government, followed by an administrative effort to correct any abuses found. Short of such an undertaking, a serious effort should be made to deputize as researchers, inspectors or in both capacities, interested parties such as students or volunteer groups. Either of these proposals should provide the basis for a systematic enforcement effort designed to overcome defects presumably attributable to limited personnel, budget resources, or other less tangible impediments.

Basic to any effective system for enforcement is a recognition, on the part of those agencies and officials charged with the duty to inspect, that persons employing migrant laborers have a continuing duty to maintain the premises in conformity with existing housing, health and sanitary regulations. Of primary importance is the prevention of occupany-related violations which were so frequently documented by our demonstration project. Occupancy related violations can only be determined by inspections and re-inspections conducted during the season. Pre-season inspection, as is customarily the case in Michigan, provides no meaningful inspection for violations of critical regulations such as occupancy limitations or even general maintenance requirements.

The present sanctions for violations found - i.e., cancellation of federal work orders or revocation of state licenses - are equally ineffectual. By the time that an inspection uncovers a violation warranting these strong sanctions, the migrant has already been recruited and may even be leaving the camp. He gains nothing from imposition of either sanction, and he may even lose his job or only source of housing as the result of belated enforcement efforts.

Two basic administrative reforms, both within the discretion of the enforcement officials, offer the most constructive alternative. First, there is a need for a uniform policy governing the granting of conditional licenses. Temporary licenses, as well as waivers of the regulations, should only be granted upon a clear showing of necessity and of steps to be taken to correct the deficiencies cited. Moreover, personnel and resources for efforts to monitor compliance should be allocated to accord significance to the probationary status. Secondly, where noncompliance or failure to meet conditions attached to the probationary status is found, stiff fines should be levied without undue delay. For fines to be an effective sanction, it is presupposed that an efficient complaint procedure (perhaps, a summary procedure) be implemented, preferably one related to the existing license or revocation system.

The recommendations discussed here are necessarily oriented to the short term and confined to the data uncovered by our demonstration project. They are included, not to minimize the problem, but to offer tangible data and workable alternatives for action <u>now</u> to alleviate a disgraceful problem in our nation.

RAMIFICATIONS AND RECOMMENDATIONS

The data presented has many ramifications regarding the nutritional needs of migrants. Of the 1,130 families, 69% reported incomes of less than $2,500 for the past year. While many studies have been conducted to determine the amount of money needed to feed a family, none reviewed by U.M.O.I. in preparing this report claim that a family of five can meet its nutritional needs on $2,500 a year.

There are programs available to assist families with emergency food needs namely, the Food Stamp and Commodity Programs offered by each County Department of Social Services within the State. There are also a variety of educational pamphlets designed to educate low income families regarding economic ways of meeting family nutritional needs.

Nevertheless, both types of programs - educational materials or free food - remain unavailable to the migrant often for similar reasons. They cannot get emergency food assistance because they do not know where to go. And, even if they seek out assistance, the hungry migrants may not be able to receive the benefits to which they are entitled, either because they are unable to communicate their needs, or cannot provide the information necessary to satisfy agency certification requirements. Indeed, the fact that 40% of the heads of households were functionally illiterate and 30% speak only Spanish explains in part the failure of existing programs, frequestly lacking bilingual staffs, to reach this target population.

Based on U.M.O.I. experience last summer, the following recommendations have been offered to the appropriate State and Federal Agencies in an effort to improve the emergency food service available to migrants

and seasonal agricultural workers in the State of Michigan.

1. Agencies distributing food stamps as commodities should make special provisions to expedite the servicing of migrants. Specific steps to be taken should include evening office hours; utilization of bilingual staff or volunteers; and the vending of food stamps on a daily basis rather than only on certain days.

2. Migrants should be allowed self-certification when initially applying for food assistance. This will do away with the 5 to 10 day waiting period all too frequently required for farmer's or area crew leader's verification of wages.

3. State plans should be amended to provide for state-wide certification procedures. Once a migrant family has been certified in one county, a certification card which will allow the family to receive service in all other counties in the state should be issued, without going through the same question and answer sessions.

4. Commodity counties should make provisions to have additional food stuffs available during the harvest season. Furthermore, supplemental direct relief monies should be made available to provide supplemental but essential foods not available with commodities.

These recommendations are regarded as minimal and of the nature that warrant applications to all other states with similar problems. These serious deficiencies documented to the report can be met by a concerted effort between cooperating state and federal agencies to bring the migrant workers as a class within the purview of the food program into which they are entitled to participate by law.

APPENDIX A

BACKGROUND INFORMATION

During the summer of 1969, United Migrant for Opportunity, Inc. (U.M.O.I.),* received funds for two programs that enabled the agency to become acutely aware of the hunger and health problems confronting migratory and seasonal agricultural workers within Michigan. The first program was one enabling the agency to provide emergency food to meet the needs of malnutrition and starvation due to such factors as low income, lack of work, inability of the head of household to work, etc. Funds to meet these and other emergency food needs were distributed to needy families only after attempts were made to get assistance from the duly mandated state agency, the Department of Social Services.

The second program was a University Affiliated Migrant Research and Service Program which provided summer employment for thirty-four college students. All but four of them were either bilingual or Mexican-American. The student had the following responsibilities:

1) Provide outreach services to migrants.

2) Inform migrants of various agency services and programs available to assist them.

3) Provide referral and interpretive assistance in order to help migrants get the required services.

4) Provide follow-up to determine the adequacy of services provided.

---

*U.M.O.I. is funded by the Office of Economic Opportunity under Title III-B of the Economic Opportunity Act, as amended. U.M.O.I. also receives funds to carry on its emergency food and medical services from the Migrant Research Project, and the study herein elaborated is based on a report furnished to Migrant Research Project as part of the funding relationship between the two organizations.

5) Distribute U.M.O.I. emergency funds when necessary.

6) Gather socio-economic data on the demographic characteristics of the target population.

The demographic characteristics of the migrant family point up four salient characteristics of the migrant head of household. 77.2% were Mexican-American; 62.7% had eight years or less of education; 40.12% were considered to be functionally illiterate; 35% were unable to communicate in English. Thus, a substantial portion of this economically poor population - a group confronted with the likelihood of earning even less money this summer due to unemployment - can neither read, write, nor otherwise adequately communicate with most persons they encounter. Furthermore, these families are generally required to travel to more than one county to work - frequently as many as three or four during the harvest season. Each county will have a food program that differs in some manner, a most serious obstacle for persons unable to communicate with non-migrants. Some may have food stamps, others only commodities; some will sell the stamps at the welfare office; others will require the client to purchase them at a bank; some will try to vend stamps every day and during the evening, others will only vend two days a week; some will have bilingual staff to service those who do not speak English, others will not; but all will, however, require the migrant to go through a laborious certification.

DATA GATHERED

A total of 1,811 migrant families consisting of 9,630 individuals were served by the University Affiliated Research and Service Program. Some of the data relevant to food and health needs is listed below.*

1) Family Annual Income

Income	Number of Families	Percentage
$ 0 - $ 999	283	22%
$1,000 - $2,499	851	47%
$2,500 - $4,999	435	25%
$5,000 - $6,999	109	6%
$7,000 - and over	18	1%

2) Average Size of Family

5.3 Members

3) Head of Household Literacy

	Number	Percentage
Literate	652	36%
Illiterate	724	40%
Uncertain	435	24%

4) Family Ethnic Group

Ethnic Group	Number	Percentage
Mexican-American	1,394	77%
Negro	181	10%
Puerto Rican	71	4%
Caucasian	145	8%
Cuban	19	1%

5) Head of Household - Language Spoken

Language	Number	Percentage
Spanish only	652	36%
Spanish and English	796	44%
English only	198	11%
Unknown	165	9%

*It must be pointed out that the statistical data is not the result of stratified random samples; however, it is to the knowledge of U.M.O.I. personnel the largest sampling of migrants covered by any study in the state.

EMERGENCY FOOD PROGRAM

During the summer and early fall of 1969, U.M.O.I. distributed $35,000.0 in emergency food monies to 7,000 migrant individuals in 1,324 migrant famili who had below poverty level incomes and were in danger of malnutrition and/or starvation, but were unable to get assistance from the local county welfare agencies. Monies were provided only after an attempt had been made to get food assistance from established agency sources. The primary reason for the migrants' need to obtain assistance was the lack of work available due to either a delay in the ripening of crops or a lack in the number of jobs.

There were eight major reasons that accounted for the failure of the county service delivery system to meet the nutritional needs of these migrant thus necessitating resort to U.M.O.I. emergency food monies:

1) Agency was not open (pertains to migrant clients who arrived on week-ends).

2) Commodities were the only source of assistance, and families could not get such essential items as whole milk, meats, fresh fruits and vegetables.

3) The family was required to wait up to one month to receive commodities.

4) The family was not eligible for food stamps because of its previous monthly income which barred participation according to state welfare certification practice.

5) Family did not have available sufficient cash to purchase the food stamps to which it was entitled.

6) The family was unable to get food stamps because the county agency only permits application and/or vending on certain days and during certain hours, but the family had immediate food needs.

7) County agencies not allowing self-certification required either the employer or the crew leader to verify the lack of family income. (This process often required five to ten days which was too long when a family was without food.)

8) County agencies not being able to establish adequate certification procedures due to restrictive office hours and/or a lack of bilingual staff.

APPENDIX B

MECHANIZATION AND RECRUITMENT REPORT

In an effort to document the increasing use of mechanization and chemicals and to make tentative projections relating to the employment opportunities available to migrants the remainder of this year, the Migrant Research Project has recently conducted an informal study of selected states where information could be obtained from reliable and knowledgeable sources.

In gathering this information, the Migrant Research Project interviewed its own grantees, public officials, and migrants and leaders of their organizations. To narrow the focus of the inquiry, considerable reliance was placed upon specific questions which were directed toward the impact of impending mechanization on employment. Yet it must be stressed that the sampling taken was limited, and not based on a scientific effort, although an attempt to obtain representativeness was made. The results of this study can analytically be broken down according to the various states or regions sampled and are summarized as follows:

Washington

An Office of Economic Opportunity grantee there reported that in the area where it operated the following crops are to be mechanized this year: (a) grapes (there are 32 machines on hand in the area, each one replacing 51 migrant workers); (b) hops; and (c) asparagus. Moreover, in spite of the impending mechanization, the same source reports that the State Employment Service has been recruiting hand-labor for these crops in the same numbers as was recruited during the past year.

Michigan

According to a variety of contacts there including those made with the Regional Office of the Federal Laobr Service, and Office of Economic Opportunity-funded migrant program, the State Employment Service, and an agricultural economist at Michigan State University, 50,000 workers are expected to arrive in the State of Michigan in 1970. Not all of these persons, however, were recruited through the Michigan or federal recruitment system; nevertheless, on the basis of recruitment by farmers and growers, and word-of-mouth transmission of rumored employment opportunities, that number is expected in the State of Michigan.

At the same time, our survey revealed that only a few contracts covering 9000 jobs had been let. The number of contracts made to date must be contrasted with the number made in the year of 1968: In that year, Michigan had let 28,000 contracts for the employment of 74,000 migrants. Since our information was gathered at a point in time when the normal recruitment process had come to an end, it can be concluded that there is a decline of 65,000 jobs and 27,700 contracts, when contrasted with the recruitment year of 1968. Many of these persons will be without employment, as the same sources indicate that only 15,000 workers will be employed this summer in Michigan.

Note: A late check before printing of this report reveals (June 10) the regional office of the U. S. Department of Labor does not anticipate more than 1500 to 2000 surplus workers in the state of Michigan during the summer. This is due to corrective action taken by U. S. Department of Labor since the issuance of the above.

Colorado

An Office of Economic Opportunity-funded project in Colorado informed our personnel that approximately 9000 migrants will come into Colorado this summer. Due to mechanization projections, it is anticipated that the total employment in the state will be reduced, according to these same sources, by 7500 jobs. For example, it was reported that a major crop, sugar beets, will employ only 50 to 60 percent of the workers who were employed the previous year. The reduction in this instance, however, is to be caused by a number of factors: an existing surplus sugar supply, the resultant change in crops from beets to corn, reliance on available local labor sources, and mechanization.

Based on information obtained from Texas, recruitment for this area is generally down approximately 40%. Similarly, in Reinbeck, Iowa, employment is down 30% for the harvesting of asparagus crops and the method of recruitment has been changed. In this instance, recruitment was performed by the processor, rather than recruitment of labor through the State Employment Security Commission as has been the case in the past. The purported reason for the change in the recruitment method was the stepped-up-enforcement of housing regulations by the United States Department of Laobr.

Wisconsin

The number of seasonal workers in rural industries declined in Wisconsin from 1968 to 1969 according to the State Employment Service. The number of rural food processing in-plant workers averaged 10,811 in 1968 and 10,190 in 1969, while plant employed field workers averaged 2,135

per month in 1968 and 1,710 in 1969. Similar drops were reported in other rural work categories.

Mid-Continent

A telephone inquiry to the U. S. Department of Labor Regional Office of the Farm Labor Service revealed the following information on clearance orders:

Clearance Orders for Interstate Recruitment

State	Date	No. of orders	Percent change	No. or workers	Percent change
Michigan	1969, 3/17	68		2,298	
	1970, 3/16	59	-14	3,537	+54
Ohio	1969, 3/18	135		3,753	
	1970, 3/16	189	+40	5,672	+51
Illinois, Indiana	1969, 3/14	166		15,194	
Minnesota, Wisconsin	1970, 3/16	165	-01	12,998	-9

In Michigan and Ohio the tendency is toward more workers per order The reason for this is not known at this time.

The other four mid-western states show a decline in both the number of workers recruited and the number of orders placed. However, the number of workers recruited seems to be higher than can be employed if the information on mechanization properly reflects the decline in jobs.

Last year gave ample evidence of what happens to the migrants when recruitment is higher than jobs. Unless welfare agencies in the state are prepared to assist the unemployed in a meaningful way, the depri-

vation of the migrant is horrendous.

Note: Just prior to final editing of this report, MRP again checked with the United States Department of Labor Farm Labor Service, in the Chicago region and learned of remedial steps taken to alleviate the anticipated problems in Michigan and the other mid-Continent states. These were:

1. Establishment of a regional coordinating committee composed of representatives of various agencies including United States Department of Labor; Housing and Urban Development; Agriculture; Transportation; Health, Education, and Welfare to assist states in working with migrants.

2. Worked in cooperation with the Texas State Employment Service to alert migrants not to leave Texas without a definite job placement.

3. Developed a special daily reporting system in each state to determine amount of surplus farm labor to the regional Department of Labor to enable corrective action to be taken.

4. Encouraged the Governors of each of the states to require the State Departments of Welfare to accept "self-declaration of income" from migrants for certification for food stamps for at least the first thirty day issuance of food stamps.

5. Staff from a United States Department of Labor special research program will be available to refer all migrants to available welfare programs.

Florida

Various estimates of employment recruitment and mechanization have been received by our personnel. For example, mid-March 1970 estimates of unemployment among migrants in Florida was placed at approximately 24,000 persons by contacts with indigenous groups and a project funded by the Office of Economic Opportunity that serves migrants. Leaders of the indigenous groups contacted by MRP indicated that when work was available, it was not full-time work, but rather the work consisted of a few hours per day or lasted only two or three days in a given week.

In contrast, reports from state officials focused on the difficulty of recruiting labor for the short-term, part-time jobs and not on the problem of unemployment or underemployment that the migrants reported. The main effort made by Public officials of the state of Florida has been an effort by the State Employment Service to fill "hard-to-place jobs", by certifying the existence of labor shortage.

As a result of this conflicting information or perhaps perspectives -- i.e. one report emphasizing that a job shortage existed whereas another group argued that, in reality, a labor surplus existed and was under-utilized -- conflicting information is available to the public and regulatory agencies concerned with the affairs of migrants.

Texas

Recent contact with indigenous groups residing in the Rio Grande Valley, indicated that only 12% to 15% of the migrants in the area were working at the time of the interview. Of these workers, 70% were working a 40-hour week, 30% a 20-hour week. Approximately 67,000 persons were unemployed at the time of our contact.

Other Data Gathered by MRP

In the course of distributing emergency food and medical monies in the home-based states of Florida and Texas when migrants were residing there, other information was obtained - information which corroborates our view that an employment and hunger crisis is impending. We spent funds at the rate of $2000 to $4000 per day feeding people over a seven-day period. During the period when the migrants were residing there, the amount of money disbursed to individuals ranges from 20¢ to $1.00 per day per person.

Based upon food monies disbursed and information gathered in the informal contacts and survey efforts described above, it is the Migrant Research Project's conclusion that mechanization has had and will have a serious impact on the number of jobs available in 1970 in both the home base states and in the stream states. In addition, contacts with leaders of indigenous groups in both home base states of Texas and Florida indicate that even more migrants than in previous years will enter into the migrant stream this year, and that fewer jobs will be made available to them based on reports of significant decreases in interstate recruitment for this year in those states. The chaotic state of the market for migratory labor becomes self-evident. In addition, if poor weather or mechanization at the anticipated increased rate further upset an already chaotic labor market, the problems facing migrant laborers will be intensified manyfold. In effect, they will be forced to rely upon outside assistance to maintain their families while residing in the stream states. Moreover, in many instances, their meager earnings will not provide them with sufficient monies to return with their families to the home base state where they reside. Even if they have sufficient funds to finance the trip home, the money saved will be insufficient to maintain the families during the winter months when limited work is available in those home base states. The result anticipated is employment chaos and hunger of a dimension previously unknown in both home base states and stream states impacted by migrants who either will be underemployed or unemployed during many months of this calendar year.

APPENDIX C

BARRIERS TO MIGRANT PARTICIPATION IN FEDERAL FOOD AND OTHER BENEFITS PROGRAMS

I. Results of a Ten-State Study

In the early winter of 1969, the Migrant Research Project conducted a comparative study of food distributed in 18 counties of ten states, all of which are heavily populated by migrants during various times of the year. The selection of states in the study expressly included those with the greatest migrant populations, persons either "home based" there or who migrate into the particular state to assist in seasonal agricultural work. The selection of counties, in turn, was dependent on the existence of food stamps or commodities distribution program during 1968 and their housing a large migrant population during that year. The purpose of the survey was to determine to what degree migrants share in participation in Federal food programs, either during the work season or during the winter slack employment season. Based on information previously gathered, it was our hypothesis that food programs as then administered were not reaching a high percentage of the migrant population.

In determining the size of migrant populations in the counties selected, the figures so used were those listed in the 1969 Report of the Senate Subcommittee on Migratory Labor. In addition, the monthly reports of the United States Department of Agriculture Consumer and Marketing Service, Food Assistance Programs, were used as the source of information as to the average number of persons assisted per month over

the designated period.

Using this information, a dual period analysis was employed. This approach was designed to compare the level of participation in food assistance programs during those periods of time when migrant workers impacted the area against other periods of the year when there were few or no migrants in the county. Florida and Texas were used for the home base states; Colorado, Illinois, Indiana, Michigan, Ohio, Oregon, Washington and Wisconsin were used as the "in stream" states.

Of the ten states studied Texas, Michigan and Wisconsin showed an increase in the average number of persons assisted in a month during periods when migrants were present. The rise in the level of assistance was not, however, significant. In Texas, despite increased participation due to an influx of migrants, less than 16% of the migrants in the counties studied were served with food assistance programs during the months studied. Yet migrants fared better in Texas than in any of the other stream states. In Michigan, for example, less than 2% of the migrants in any county studied were included in food programs; in Wisconsin, less the .001% were included. In the other states, fewer people were fed during the peak season than at other times of the year.

As a follow-up to our survey, our staff members made a study of selected state plans and the implementation of such plans. When these plans and the practices thereunder are considered in light of previously discussed data, it is all too clear that migratory agricultural workers were not considered or planned for in the development of or execution of these state plans, all of which were approved by the United States Department of Agriculture. It certainly seems ironic that the migrant

agricultural worker cannot receive a modicum of concern from the Department of Agriculture. This government agency, through its tremendous resources, has available to it information on (a) the rate of mechanization in agriculture; (b) knowledge as to the timing of the harvest; (c) knowledge as to long-range weather predictions; (d) knowledge as to projected skills needed in agricultural work; (e) knowledge as to the number of workers needed now and in the future; etc. Much of this information is funded as government sponsored research, and the results are made available to growers and growers' associations. Yet none of it is apparently made available to assist migrant agricultural workers in seeking employment or in meeting recurrent hunger crises. Were this information brought to bear in studying and approving state plans for distribution of food, most of the problems that migrants now face in participating in such programs would be eliminated.

II. Identifiable Obstacles to Significant Migrant Participation in Federal Food Programs.

1. Food Stamps.

Barriers which made it impossible for food stamp participation by migrant and seasonal agricultural workers and thereby necessitated resort to Migrant Research Project assistance last year can be categorized as follows:

1) The workers arrived to harvest crops well in advance of the season and they needed food to survive;

2) Both home base counties and stream state counties are not prepared to service people other than local residents;

3) Extensive documentation is required of non-residents both for certification and for the establishment of hardship deductions under the method of income computation;

4) Specific eligibility and certification requirements vary from county to county;

5) Food stamp out-reach workers in farming areas and labor camps are practically non-existent;

6) Office hours vary in different counties and states from a few hours per week to a few days per month;

7) The vending of stamps may be delegated to banks or other financial institutions to which the migrants are unfamiliar and whose regular hours do not make allowance for the migrants' work weeks;

8) Very limited use of emergency hours during the evening, week-ends or holidays when migrants are present;

9) Income verification, unless standards are relaxed, for a worker who has many employers and rarely receives pay stubs is almost impossible;

10) Resources such as work-related resources - e.g., a car or a truck - are used to disqualify a person from participation in food programs;

11) Residency may still be a cause of inablilty to participate in food stamps since U.S.D.A. guidelines do not specifically repudiate this former requirement;

12) There is no formal and effective complaint procedure to report failure to comply with the state plan;

13) Certification and eligibility standards make no allowances for persons having no income or an irregular income; and

14) The practice of selling food stamps only once a month and not permitting purchase at less than for the full month's requirements at one time eliminates migrants and others who have only sporadic resources.

2. Commodity Distribution

Commodity Distribution programs present many of the same barriers to migrants who wish to participate in this type of food program. Surveys and reports we have studied indicate additional problems such as:

1) Inconvenient location of food distribution points;

2) A consistent failure on the part of U.S.D.A. to allow O.E.O. grantees, indigenous groups or others to administer the programs;

3) Rigidity in administration of the programs as to dates, place and time of distribution, as well as places of certification and recertification - all of which effectively bar migrants from participation in the program;

4) Income certification procedures force migrants to verify matters not possible whereas a simplified affidavit of certification could be substituted;

5) General lack of uniformity in rules and practices relating to certification due to a vesting of absolute responsibility for making decisions at the local level; for example, a

simple delay in certification effectively disqualifies a migrant whose employment requires him to move on or who may find interim work;

6) Allowable income and liquid assets vary from county to county and in some instances seemingly from person to person;

7) County agencies too frequently make no provision for persons who cannot communicate in English;

8) Transportation is a major problem to migrants who must travel many miles to a distribution center;*

9) A lack of refrigeration to store perishables prohibits migrants from participating in the program;

10) Packaging and supply of household allotment in bulk makes it difficult for migrants to amnage food;

11) Available food is not consistent with the cultural and eating practices of migrants, nor is it designed to meet the recipients' nutritional needs;

12) Lack of education programs as to value and preparation of foods available; and

13) Lack of particular foods although listed by U.S.D.A. in many counties.

III. School Lunch

School lunch programs in stream states also are programmed

---

* One county welfare director suggested in an interview with M.R.P. staff that if the migrant had transportation money to go the 70 miles round-trip to the center, he had enough money not to qualify for funds.

for resident children and rarely have sufficient funds available to provide for migrant children who come into the stream states in the spring of the year. Frequently, migrant children enter an affluent community and enroll in a school which had no need for a school lunch program for resident children. Under current regulations, budgets for school lunch programs must be geared to a fiscal year basis and not to a quarterly basis which would allow the school to accommodate the very special and seasonal needs which accompany the impact of migrants. As a result of this anomaly, migrant children do without lunch at school or use emergency food money supplied by O.E.O. so they can eat.

IV. Welfare and Health

The exclusion of migrants from welfare programs stems most immediately from the indifferences of local welfare administrators. However, it also flows from restrictive legislation and budgeting at the federal and state levels.

Based on income, almost all of the migrants served through the Migrant Research Project are eligible for welfare. The major reason they do not receive categorical assistance is because the father resides with the family. In stream states they are denied general assistance - even on an emergency basis - because of residency requirements. Even if a dire emergency exists, most counties choose to provide the cheapest, most available public transportation to the home base rather than providing emergency assistance. This practice seems to hold true even in localities where the state office will reimburse the county up to 100% of emergency costs at the end of the year.

Health care for migrants is virtually unknown except through migrant health clinics. The services from the clinics are limited, however, primarily aimed at immediate minor illnesses and further medical referrals. Limited funds are available for hospitalization in some areas. Illnesses such as birth defects, drug addiction, alcoholism, mental health problems are fundamentally ignored by health programs. Moreover, in counties where funds are available to provide free health care at state hospitals, welfare directors prefer to save these funds for the use of permanent residents.

MICHIGAN HOUSING REPORT:
A REPORT OF A STUDY JOINTLY UNDERTAKEN BY THE MIGRANT RESEARCH PROJECT AND THE UNITED MIGRANTS FOR OPPORTUNITY, INC.

The project reported herein was performed pursuant to a grant from the Office of Economic Opportunity, Washington, D.C. The opinions expressed herein are those of the author and should not be construed as representing the opinions or policy of any agency of the United States Government.

Migrant Research Project (M.E.D.I.)
1329 - 18th Street, N.W.
Washington, D.C. 20036

May 8, 1970

TABLE OF CONTENTS

		Page
I.	Background	1
II.	Methodology of Research	2
III.	Preliminary Observations on Housing Conditions in Michigan Migrant Labor Camps	6
	Drainage	8
	Debris	9
	Recreational Area	10
	Adequate and Safe Water Supply	10
	Housing Structures	13
	Fire Safety	15
	Cooking and Eating Facilities	17
	Lighting and Wiring	18
	Heating	19
	Overcrowding	22
	Bathing Facilities	24
	Laundry Facilities	25
	Toilet Facilities	26
	Michigan Employment Security Commission Study	29
Footnotes		30

APPENDIX A - Federal and State Laws and Regulations For Agricultural Labor Camps

APPENDIX B - Percentage Tabulations of Questions on Survey Form

APPENDIX C - Inspection Sheet

MICHIGAN HOUSING STUDY

I. Background

During the summer of 1969, the Migrant Research Project, with the cooperation of the United Migrants for Opportunity, Inc.[1], conducted an intensive survey of migrant housing in the State of Michigan. Michigan was chosen because of the large number of migrant workers who enter the state each year in search of agricultural employment. It is estimated that between 50,000 to 100,000 migrants annually come to Michigan from other states, primarily Texas, in search of employment. Approximately 3,100 camps, located throughout the State of Michigan, provide housing for these workers.

Prior to this study, the public had already been informed of the substandard and squalid conditions in which migrants dwell. The recent hearings conducted by the Senate Subcommittee on Migratory Labor held in 1969, publicity relating to the grape-pickers strike led by Cesar Chavez, and numerous books and publications had all focused attention on the plight of the migrant laborer.

The purpose of the particular study undertaken by the Migrant Research Project was to identify and document thoroughly those aspects of migrant housing which could be improved by more

rigorous enforcement of existing laws and regulations. It was believed that a major impediment to the provision of improved housing for the migrant workers was the lack of specific information and statistics on one of the most acute problems facing the migrant worker.

II. Methodology of Research

The UMOI was selected to participate in this cooperative effort because of its willingness to make available the services of its staff members and because the organization maintained offices serving migrants in the parts of the State of Michigan where migrants most commonly reside. It was believed that a more balanced geographic distribution could be obtained by making inspections in the manner chosen.

An inspection sheet was designed to enable persons, having little formal education, to report detailed information on housing conditions in an accurate and objective manner. The questions were also chosen to provide information revealing the existence of violations of the State Housing Regulations promulgated and enforced by the Michigan Department of Public Health[2] as well as Federal regulations set by the U.S. Department of Labor.[3] For the most part, the questions were drawn by simply restating the

Michigan regulations in the form of an interrogatory or question. A copy of the inspection sheet is attached in Appendix C.

It is initially important to understand the regulations set by the U.S. Department of Labor governing housing conditions for migrant workers. The regulations apply in situations where an employer seeks the assistance of the state employment agency receiving federal funds (in this case, the Michigan Employment Security Commission) in the interstate recruitment of agriculture woods, and related industry workers. These regulations, therefore, apply with particular force to migrant workers.

According to the procedures set forth in the Federal regulations, a grower(employer) who solicits the Michigan Employment Security Commission in recruiting farm workers from outside the state must state that the labor camp which he operates conforms to the minimum housing standards. No inspection or other proof is required at that time, although an inspection of the camp is required within thirty days prior to arrival of the workers. If it is found that the grower does not meet the minimum standards the work order will be cancelled, and the employer will be denied any further assistance from the state employment agency. This sanction, however, often involves no more than a futile gesture since the workers are already in the camp or enroute at the time

of cancellation. Consequently, the enforcement scheme poses no immediate problem to the operator: he is already guaranteed of having workers to harvest the current crop and, at the same time, is not required to make the corrections necessary to bring the camp into conformity with the minimum standards required by law.

The Federal regulations pertaining to minimum housing standards set by the U.S. Department of Labor are, as was already stated, minimum standards. The state, while prevented from enacting regulations sanctioning any lesser standards, is not required to set any higher standards. For this reason, Michigan, as most of the other states receiving federal funds for their state employment agency, departs very little from the Federal regulations. Thus, the inspection sheet, by restating the Michigan regulations in an interrogatory form, permitted an analysis of violations under both State and Federal law. (A summary of Federal and state regulations set by the Michigan Department of Public Health may be found in Appendix A.)

The inspectors who surveyed the camps in Michigan were, for the most part, employees of the UMOI. They were familiar with the locations of the camps and the set-up inside. The actual determination of the camps to be surveyed was not made by means of a random sample because a list of all the camps was not available. Nevertheless, the selections were informed

36-513 O - 71 - pt. 7B -- 22

choices, ones made on the basis of information and knowledge accumulated by the UMOI staff from their extensive contacts with the migrant workers throughout the state. It should also be emphasized, however, that no attempt was made to inspect only the worst camps, nor could it be said that the most desperate migrants sought assistance at a UMOI office or that any such selection process colored the survey. In fact, if anything, the studies conducted by the UMOI show just the contrary.

By the end of the summer, 148 camps had been surveyed representing 23 counties out of a total of 68 counties on the lower peninsula. In only 45 of these 68 counties, however, are there a significant number of workers who migrate during the peak summer season.[4] The 148 camps selected housed over 5,000 migrant workers and their families, and varied considerably in size, ranging anywhere between 6 to 261 occupants. Although this represents only a small percentage of the total 3,100 camps in Michigan (approximately five per cent), it should be noted that access into the camps is exceedingly difficult. Operators or the crew leaders are generally hostile to outsiders seeking to inspect the housing facilities which are provided for the migrants.[5]

Having established the background and methodology of the study, it is now possible to proceed into a discussion of some preliminary observations concerning housing conditions in Michigan migrant labor camps, based on the data which was collected. Although it is stressed that the comments made herein are only preliminary, subject to possible further modification, they are no less based on information that was accurately recorded and well documented. For these reasons, it is felt that the credibility of the foregoing observations rests on firm foundation.

III. Preliminary Observations On Housing Conditions In Michigan Migrant Labor Camps

Under the applicable provisions of Michigan law, any migrant camp housing five or more workers must be licensed by the Agricultural Labor Camp Unit (ALCU) of the State Department of Public Health. In order to receive a license, an ACLU inspector must first visit the camp and find that it "conforms or will conform to the minimum standards of construction, health, sanitation, sewage, water supply, garbage and rubbish disposal", as well as other applicable provisions from the regulations. Upon approval and issuance, the camp owner is then required to

display his license in a "conspicuous place" within the camp area. Despite this clear standard, licenses were observed in 83 or approximately 56 per cent of the survey camps. (In only 67 of these camps was the license actually posted as required.) As will be seen below, this pattern of wholesale violation of every elementary licensing requirement is not atypical.

The remainder of the discussion on the preliminary findings will be devoted to a textual discussion of housing conditions in the migrant labor camps by specific areas of concern. The breakdown will be made under the following categories: drainage, debris, garbage disposal, recreational facilities, water supply, housing structures, fire safety, cooking and eating facilities, lighting and electricity, heating, overcrowding, bathing and shower facilities, laundry facilities and toilets. It is believed that the above breakdown is comprehensive and touches upon most all areas relevant to housing conditions. In addition to text and the statistics which are to be discussed below, a table containing the relevant figures upon which the findings are based is provided in the Appendix. Due to problems which the inspectors encountered, as discussed earlier, many of the figures are not based upon the total number of camps. Reference to Appendix B will, however, disclose the

actual number of camps studied in cases where the specific information could be obtained.

Drainage

Michigan regulations require that the camp area shall be well-drained and free from any topographical depressions in which water may stagnate. Results of the survey showed that 54 per cent of the survey camps were in violation of this provision. The responses revealed that undrained rainwater, as well as water collecting from faucets, wells, showers, laundry tubs, and septic tanks, were the primary sources of the moisture that was observed. Ditches and depressions on the camp topography further added to the problem of poor drainage.

Although standing water resulting from poor or non-existent drainage systems might on first impression appear to be of minor importance, it is a condition which encourages a large mosquito and insect population. When added to factors such as poor screening and other unsanitary conditions discussed below, this problem significantly fosters a major health problem in the camps.

Debris

51 per cent of the camps inspected were found to have debris and trash strewn about the camp area. Although the presence of debris is an admittedly subjective determination to be made by the inspectors, this finding gains considerable credence in view of the finding that 30 per cent of the camps lacked the adequate number of garbage cans as required by the regulations, while another 53 per cent indicated that the garbage cans were not properly sealed to protect against insects, rats and vermin.

Several other observations further explain the presence of the debris observed in most camps. While state regulations require that garbage be collected at least once a week, only 41 per cent of the camps complied with this requirement. Moreover, in one-third of the instances where compliance was found, it was learned that it was the migrant worker who was responsible for collecting the garbage, rather than the operator or local sanitation officials.

Recreational Area

The regulations require that "the camp shall include a space for recreation reasonably related to the size of the camp and type of occupancy." The results of the Michigan survey showed that, in 37 per cent of the camps, no recreational area was provided. This finding takes on significance when considered in conjunction with the fact that the typical migrant worker traveling to Michigan brings his family (the average household size being 6.5 members)[6] which includes many young children. While it is commonly reported that children under age 12 have been found working in the fields, it is important that when they are left by themselves, a recreational area is provided in which they may play.

Adequate and Safe Water Supply

The health regulations require that each camp have "an adequate and convenient water supply." The Procedural Manual for Sanitarians, also published by the Department of Public Health, is more specific in this respect in stating that "cisterns, springs, ponds or open streams shall not be used as a source of potable water." Yet, it is significant to point out that in 15

per cent of the camps, the inspectors found the water to be "unsafe," because of unusual, often rusty colorations of the water, unpleasant odors and excessive sediments.

The following table illustrates the extent of illegal water sources on the camps:

TABLE I:
Illegal Sources of Potable Water

(1)	Cistern, spring pond or open streams	3 camps	(2%)
(2)	Hand-pump with open top or open spout wells	47 camps	(32%)
(3)	Open top wells	8 camps	(5%)

Perhaps even more shocking is the fact that, in many cases, well water was located within 75 feet of unsanitary facilities in disregard of the provisions set forth in the Manual. The following table indicates the number of camps where wells providing drinking water were located too close to the various unsanitary facilities:

TABLE II:
Camps Where Drinking Well is Located
Within 75 Feet of Unsanitary Facilities

(1)	Privy	30 camps	(20 %)*
(2)	Septic tank	8 camps	(5%)
(3)	Till field	5 camps	(3%)
(4)	Other sewage or waste areas	16 camps	(11%)

*Percentage calculated out of total survey group.

Another indication of the inadequacy of water facilities relates to their accessibility. The regulations require that a cold water supply be located within 100 feet of each sleeping facility. Not only were 16 per cent of the camps in violation of this provision, but in only 17 per cent of instances reported was there a water source piped directly into the dwellings. Furthermore, where the water was not piped into the units, it was the migrants' responsibility to carry the water which, as was already pointed out, could be from over 100 feet away. Finally, in so far as the sufficiency of the water is concerned, 18 per cent of the camps were found to lack enough water to meet the drinking, cooking and washing needs of the migrant occupants.

The seriousness of the overall violations relating to water supply cannot be underplayed. The compounding of many violations in this category including improper and unsanitary water sources, the often distant proximity of the water supply, and the insufficiency in the amounts of water available, presents a rather bleak picture.

Housing Structures

This category includes both the type of housing provided in the camps and the structural condition of these units. Many types of housing units were seen during the course of the survey, and some camps contained several types of structures. The following table lists the kinds of units which were found, as well as the number of camps where these units were seen:

TABLE III:
Types of Housing Units Found Provided to Migrant Workers and their Families

(1)	Cabin	94 camps	(64%)*
(2)	Motel	23 camps	(16%)
(3)	Shed	6 camps	(4%)
(4)	Farmhouse	27 camps	(18%)
(5)	Barn or Garage	18 camps	(12%)
(6)	Quonset Hut	5 camps	(3%)
(7)	Bus	1 camp	(1%)
(8)	Trailer	5 camps	(3%)
(9)	Other types	7 camps	(5%)

The above figures do not, however, describe the condition of the units. Although these figures are, in themselves, most revealing, additional information contained in the following

*The percentage figures are based on the total survey group. Since various types of structures may be found on a given camp, these figures will total over 100%.

table highlights the extent of disrepair and structural unsoundness of the houses:

TABLE IV:
Structural Defects in Migrant Housing

(1)	Leaky Roofs	43 camps	(29%)
(2)	Leaky Walls	37 camps	(25%)
(3)	Rough Floors	58 camps	(39%)
(4)	Wet Floors	51 camps	(34%)
(5)	Windows do not close	30 camps	(20%)
(6)	Faulty Doors	47 camps	(32%)

To aggravate matters even further, where structural problems were found to exist, other data collected shows that little or no effort is made to make the necessary repairs. For example, the inspectors reported that broken windows are not replaced or repaired in 34 per cent of the camps. Furthermore, in the 79 camps which have screens on all of the windows and doors as the regulations require, only 50 per cent of the residents indicated that any disrepair or malfunction in this respect would be rectified.

Once again, these statistics can only be fairly appreciated when considered in conjunction with several figures cited earlier. The degree of structural unsoundness--particularly the extent of broken windows, those failing to shut, and the

lack of screening on windows and doors--cannot be regarded as providing protection against mosquitoes, other insects, and rodents. In view of the debris, puddles of water and other unsanitary conditions found to exist in the camp, these structural defects can only contribute to the generally poor health of migrant laborers, as revealed by other studies indicating that the medical problems suffered by migrants are far above the national average. For example, it has been shown that the incidence of tuberculosis and other respiratory diseases among migrants is significantly higher than for any other group and that migrant mortality rate from these diseases was nearly two and one-half times the national average.[7] It should, therefore, be emphasized that the statistics, like others presented throughout this report, have meaning apart from the figures themselves.

Fire Safety

The Michigan regulations require at least two means of escape in one-story dwellings. Nevertheless, the survey revealed that only 56 per cent of the camps had met this requirement. Furthermore, all camps are required to maintain a means for extinguishing fires. Once again, the presence of some

form of fire extinguishing equipment was found in only 49 per cent of the camps. The following chart lists the various types of fire-fighting equipment that was provided to satisfy this requirement:

TABLE V:
Types of Fire Extinguishing Equipment Found on Migrant Camps in the Survey Camps. (Basis: 72 Camps indicating that such Equipment was Provided).

(1)	Fire Extinguishers (common cannister type)	25 camps	(35%)*
(2)	Hose	36 camps	(50%)
(3)	Bucket	20 camps	(28%)
(4)	Other types	5 camps	(7%)

*Percentages listed exceed over 100%, as various types of equipment could be found on a camp.

In spite of the general lack of adequate fire safety protection in those camps where the equipment is provided, it is also noteworthy to point out that only 26 per cent of the camps comply with another regulation requiring that the extinguishers be placed within 100 feet of the unit. Had the dwellings been structurally sound and fire-safe, the situation would not be so acute, but it becomes alarming since most of the units consisted of easily ignitable wooden structures. The figures cited below regarding the cooking facilities, types of heating

components, and the condition of the lighting and wiring make the "tinder box" nature of these structures more clear.

Cooking and Eating Facilities

There are several regulations which define the broad category of cooking and eating facilities. They require that, when individual cooking is permitted in the dwelling units, "a cook stove or hot plate with not less than two burners" shall be provided. The regulations further require adequate food storage shelves and counters for preparation; mechanical refrigeration that will maintain a temperature of not more than 45 degrees Fahrenheit; and a sufficient number of tables to accommodate the capacity of the shelter.

The following observations were made with respect to the above requirements: Cooking was permitted in the individual units in 128 or in 86 per cent of the camps. In all of these dwellings a cookstove was provided. However, 20 per cent of the camps were without sufficient food storage shelves or work counters and 31 per cent lacked sufficient tables and chairs to accommodate the occupants. Another 17 per cent lacked any refrigeration whatsoever.

Although these figures might appear a bit confusing, especially in view of the 100 per cent compliance in providing

the required cookstoves as contrasted with the deficiencies in other respects, the reason for this inconsistency becomes apparent upon the presentation of one additional factor to be enumerated upon in future discussion -- i.e., overcrowding. For present purposes, however, it is important to realize that while the units themselves may contain the required pieces of equipment, the overcrowding of people into the housing units renders them generally inadequate to accommodate the large numbers that actually use the facilities. Although the licenses specify the maximum number of occupants allowed in the camp, it is noteworthy that in twenty instances the actual occupancy exceeded the licensed occupancy. In view of the fact that licenses were posted or observed in only 83 of the total survey camps, these twenty camps take on added significance.

Lighting and Wiring

Nearly all of the camps in the Michigan survey were provided with electricity. Only one camp out of the 148 group total was not electrified. The regulations, however, go far beyond the mere requirement of furnishing electricity. They specify, for instance, that there must be at least one wall plug in each room. Eighteen per cent of the camps indicated noncompliance in this respect. Whereas the yards and pathways,

privies, showers, dining halls and other common facilities are required to be adequately lighted, 62 per cent recorded violations of this provision.

Another area of serious concern involves the electrical wiring provided in dining facilities and in the homes. Seventeen camps were found to have bare wires in the various units. Furthermore, in another eighteen camps these wires were exposed to paper, cardboard and other combustible materials. In light of the deficiencies in the fire extinguishing equipment, as well as in the type of housing structures, the fire hazard which exists in the camps cannot in any way be understated.

Heating

The regulations require that shelters and commonly used rooms occupied before May 31 or after September 1 be provided with heating capable of maintaining a temperature of not less than 68 degrees Fahrenheit. Although the data presented below is limited by the sample size -- i.e., most surveys were conducted during the summer when heat was not required -- there remains a basis for concluding that the heat furnished was inadequate.

Migrant labor is used throughout the year on the lower Michigan peninsula, although peak activity comes in the summer months. The bulk of the M.R.P. survey inspections were made during the peak period between June and August. However, twenty-four inspections were made before May 31, with the earliest occurring on April 24, 1969. In sixteen of these twenty-four camps, or two-thirds of them, migrants were present.

Having seen that sizeable numbers of migrants are present in camps when there is a duty to provide heat, we can better examine the results of the overall survey which revealed that nearly 39 per cent of the camps lacked any form of heating mechanism. In a select group of 70 camps, an attempt was made to identify the type of heating system provided, and the results of this effort are presented in the following table:

TABLE VI:
Heating Systems Provided Migrant Labor Camps. (Basis: 70 camps)

(1)	Furnaces	44 camps
(2)	Electric Heaters	6 camps
(3)	Cookstoves	44 camps
(4)	Other	37 camps

Although earlier figures stated that 128 camps had been equipped with cookstoves, there may be several reasons to explain why a total of only 44 camps indicated that the stoves

36-513 O - 71 - pt. 7B -- 23

were also a heating source. Variations in the type of cookstove, as well as in room size, may explain why the burners were not regarded providing sufficient heat. It is also possible that in some cases, for obvious reasons, the inspectors did not consider a cookstove as an adequate heating system.

Further analysis of the fuels used for heating illustrates but another contributing factor to often discussed fire hazards on the camps. Out of a total of 70 camps (55 per cent) where heating was provided, the inspectors reported that in only 15 per cent of those camps did the system appear to be "safe." Although this figure is open to question for its subjectivity, the following figures on fuel sources help to explain the inspectors' reports:

TABLE VII:
Fuel Sources for Heating in 70
Camps where Heating was Provided.

(1)	Kerosene	5 camps
(2)	Oil	5 camps
(3)	Coal	1 camp
(4)	Wood	9 camps
(5)	Butane	40 camps
(6)	Other	31 camps

Overcrowding

The fact that overcrowded conditions exist in the camps has been mentioned previously. One reason for this condition could lie in the fact that in nearly one-fourth of the camps the number of occupants exceeds the maximum occupancy permitted under the license. The determination of allowable occupancy is made by the Agricultural Licensing Camp Unit (ALCU) of the State Department of Public Health on the basis of square footage of living space available in all of the dwelling units combined. For example, if a camp had only two houses, the first having adequate space to house legally eight persons and the second house could accommodate only two persons, and if two families each having a household of five moved into the camp, there would be no violation of the regulations even though one family of five is living in a unit which could accommodate only two persons.

The factor of overcrowding is clearly evidenced from the shortage of available bed space. Table VIII, based on statistics obtained from 55 camps, shows that in a majority of instances, more than two persons sleep in a single bed.

TABLE VIII:
Average Number of Persons Sleeping in One Bed. (Basis: 55 Camps)

One to Two Persons	14 camps
Two persons	12 camps
Two to Three Persons	9 camps
Three Persons	9 camps
Four or more Persons	13 camps

Furthermore, in 68 per cent of the camps surveyed, it was learned that children over six years old are sleeping in the same room with their parents, contrary to the regulations which specifically provide that "a family having one or more children over six years of age shall have a partitioned sleeping area for the husband and the wife." In 34 camps, the children sleep in the same bed with their parents. While it is not within the confines of this report to discuss the psychological ramifications of overcrowding and lack of privacy, it should suffice to say that these conditions hold the potential for creating serious problems in the future.

While the figures presented above may already appear somewhat disconcerting, it should be realized that migrants regard the opportunity of sleeping in a bed a privilege. Indeed, in 33 camps in the survey, migrants had nowhere else to sleep except in their automobiles or on the floors.

The regulations broadly state that there be "sufficient bed space consisting of comfortable, rigidly supported beds, cots or bunks." The array of statistics clearly suggests that this requirement has not been met by the operators.

Bathing Facilities

The work of the migrant worker is spent largely in the fields, being exposed to dust, dirt and pesticides, some of which may be harmful to his health. In spite of this fact, 30 per cent of the camps were found to be without bathing facilities of any sort. In the 94 camps where bathing facilities were available, only 65 had hot and cold water under pressure. Additional potential violations were recorded in 24 camps in this group because the facilities were located over 200 feet from the dwelling units. More than half of the 94 camps had less than one shower head for each 15 persons as the regulations shall also require. Furthermore, the inspectors found that, in a significant number of camps, the facilities were in an unsanitary condition.

Nearly half of the 94 camps with bathing facilities did not have sufficient space for dressing and changing, adding further credence to the factor of overcrowding. Furthermore,

as in the case of garbage disposal, it was found that the migrants were often responsible for making the collection. In 42 camps where it was possible to gather information on this subject, 95 per cent of the respondents indicated that the migrant was charged with the responsibility.

The regulations pertaining to adequate bathing facilities do not go into effect until January 1, 1971, although they do apply with respect to any camp built after July 1, 1969. Thus, while the information collected fails to show present violations of the regulations, nonetheless, it does demonstrate inadequate and unsanitary bathing facilities presently do exist.

Laundry Facilities

Due to the nature of the migrant's work in the field, as well as the debris and unsanitary conditions existing in the camps, their clothing becomes considerably soiled and dirty. Nevertheless, only 40 per cent of the camps provided a place to wash clothes. Of this group, only half of the camps were supplied with hot and cold running water. Many camps lacked an ample number of tubs, trays or, in a few instances, washers.

Once again, the regulations relating to adequate laundry facilities do not go into effect until January 1, 1971, except

for those camps constructed after June 1, 1969. Although they will require that laundry facilities be available, that they be supplied with hot and cold running water under pressure, and lay down specific ratios governing the number of tubs and trays per adult occupant, this new regulation has little bearing on the immediate problem. There is also little reason, based on past history and experience, to believe that the camp operators will take voluntary steps to fulfill these requirements ahead of schedule, especially where there are so many violations in those areas where the regulations are now in force.

Toilet Facilities

Toilets pose one of the greatest health hazards in the camp. Only 22 per cent of the survey camps indicated that a toilet was provided for each of the housing units. In these, and in the remaining camps, common privy facilities were provided. The common privy facility is, typically, the outhouse. The regulations specify that where central facilities exist, a toilet or privy seat shall be provided for each sex in a ratio of at least one unit for each fifteen adults. A urinal may be substituted for a toilet seat in the case of male adults. Only 56 per cent of the camps indicated compliance with this provision.

In approximately one-half of the camps there were no separate facilities for men and women, also contrary to the regulations. Other violations pertaining to inadequate or unsanitary toilet facilities under the Public Health regulations are listed on the following table:

TABLE IX:
Miscellaneous Violations Pertaining to Toilet Facilities

	Violation	No. of Camps	
(1)	Poorly lighted	118 camps	(80%)
(2)	Inadequately ventilated	102 camps	(69%)
(3)	Toilet paper and holders not provided	106 camps	(72%)
(4)	Privies are not fly tight	93 camps	(63%)
(5)	Privy closer than 50 feet to dwelling or cooking unit	57 camps	(39%)
(6)	Nearest privy located over 200 feet from the living unit	26 camps	(18%)

The regulations also require that the toilets be "impervious and maintained in clean condition." The inspectors found this in only 35 per cent of the camps. Perhaps a reason for the lack of cleanliness is due to the failure to annually lime the pits. Only 20 camps indicated that this procedure had been done.

Once again, these violations should be considered in conjunction with deficiencies observed in other aspects of migrant housing. For example, the fact that the privies were not adequately sealed against flies in 93 camps takes on added meaning in view of the puddles and dampness, the debris and garbage, and other unsanitary conditions which further encourage the likelihood of large insect populations. When weighed against the figures on the number of broken windows, windows which fail to close, faulty doors and lack of screening, this leaves the migrant with very little protection.

The issue of who is charged with the responsibility for maintaining the standards set forth in the Public Health regulations has been mentioned several times throughout this discussion. Once again, the same question was raised as it specifically related to the cleaning of privy facilities. Out of a total of 79 responding camps, 82 per cent stated that this responsibility rested with the migrant. Furthermore, in 48 camps where the question was posed, 58 per cent indicated that the migrants dug the pits for the outhouses.

Michigan Employment Security Commission Study

It was learned that of the 148 camps surveyed, 14 of them were believed to house migrants who had been recruited through the Michigan Employment Security Commission. The legal significan of this method of recruitment was discussed earlier. When an employer seeks the assistance of the State employment agency, the Federal regulations on minimum housing standards set forth by the U.S. Department of Labor must be met. Basically, these are exactl the same as the state regulations enunciated by the Michigan Depar ment of Public Health.

It is highly noteworthy to point out that these 14 camps averaged 13.8 violations per camp, in contrast to 15.3 violations for the overall survey. This indicates that when the camps come under the jurisdiction of Federal regulations, the conditions appea to be somewhat better. Since the standards and enforcement mechanisms are virtually the same, the better showing of the federally regulated camps can be attributed to the slightly more effective sanctions available against growers using the federal system.

Footnotes

1. The United Migrants For Opportunity, Inc. (UMOI) is a private non-profit corporation funded by the Office of Economic Opportunity under Title III-B. The UMOI was organized to provide a variety of social services to migratory and seasonal farmworkers in Michigan.

2. R.325.1501-15. These regulations were promulgated by the Department of Public Health pursuant to Michigan Compiled Laws, § S 286.621 - 286.633. The Act sets forth the conditions governing the granting of a license to an operator of any agricultural labor camp occupied by five or more workers and their dependents. The criteria for determining whether or not a license shall be granted is set forth in the regulations. Any further reference in the text to either the licensing provisions or the regulations may be found in the above sections.

3. 20 CFR 602.9(d).

4. The Migratory Farm Labor Problem in the United States-1969 Report of the Committee on Labor and Public Welfare made by its Subcommittee on Migratory Labor pursuant to S. Res. 222, p. 120 /Hereinafter cited as 1969 Report/. The table appearing here lists those counties having approximately 100 or more seasonal agricultural workers and family dependents that migrated into Michigan during 1967-68. 20 of the 23 counties in the survey appeared on the list.

5. For a more thorough discussion on the issue of access into migrant labor camps, see Spriggs, "Access of Visitors to Labor Camps on Privately Owned Property," 21 U. of Fla. L. Rev. 295 (1967).

6. 1969 Report, p. 11. This figure is the average household size for migrant households in Texas, the home base state for the bulk of Michigan's migrant population.

7. Migrant Health Program-Current Operational and Additional Needs, prepared for the Subcommittee on Migratory Labor, December, 1967, p. 15. This report contains a wealth of valuable statistics concerning the grave health problems confronting migrant workers and their dependents.

APPENDIX A

Federal and State Laws and Regulations
For Agricultural Labor Camps

Both the Federal Government and the State of Michigan have promulgated housing standards to be met by the operators of agricultural labor camps.

A. Federal Standards

The Federal involvement with migrant workers' housing problems has been one of long-standing interest and little action. Recommendations for action have been made by Presidents' Commissions and Interagency Committees since 1946.[1] By 1956, President Eisenhower's Committee on Migratory Labor had issued a draft housing code as a guide for State employment agencies, farmers and civic groups in their efforts to secure voluntary improvements.[2] Finally, in 1968, compliance with these standards

---

[1] A work group of the Federal Interagency Committee on Migratory Labor, appointed in 1946, developed a bill granting authority to state labor commissioners to regulate labor camps, and suggested language for a labor camp code. The President's Commission on Migratory Labor, appointed in 1950, made recommendations in 1951 for improvement of housing and other conditions of migratory farm labor. "Housing for Migrant Agricultural Workers: Labor Camp Standards," Bulletin 235, United States Department of Labor (November 1962), p. 3.

[2] Id. at 3-4.

was made a condition of access to the interstate recruitment facilities of the United States Training and Employment Service (USTES).[3]

The actual standards are considered minimal, and are so designated in the language of the regulations. They are applied to deny interstate recruitment only to growers in states whose codes are less stringent.[4] They are, for the most part, supplanted by Michigan's regulations, which are comparable and, in a few instances, more stringent.[5]

To appreciate the impact of the Federal policy, it is necessary to review the procedures for interstate recruitment. Early each year growers apply to offices of the Michigan Employment Security Commission (MESC) for work orders, specifying the

---

[3] 20 CFR § 602.9, 620.1, et seq. USTES is the successor to the former Bureau of Employment Security of the Manpower Administration of the Department of Labor.

[4] 20 CFR § 620.1(b).

[5] Michigan regulations are published in booklet form, and may be obtained from the Michigan Department of Public Health, Agricultural Labor Camp Unit, Division of Engineering. The Federal and Michigan standards vary in their detailed specifications for certain items. In some instances, the Federal standards are more stringent; for example, the Federal minimum standard for the dimensions of windows to be available as fire exits specifies a larger window than the Michigan Rule. Compare Rule 325.1508 with 20 CFR § 620.17. Our conversations with USTES officials in Washington confirm that USTES policy is that both sets of regulations are to be used by inspectors, who are directed to apply the stricter standard for each item.

type of work and the number of workers required, and certifying that the housing provided is in compliance with the regulations. Most of these orders are placed during the first four months of the year. Once approved, the orders are forwarded to the central State office of the MESC in Detroit, and from there to the corresponding offices in the "supply States." No order may be cleared by a local office until a housing form has been signed by an authorized inspector and by an MESC official approving the inspection. Variances may be obtained only from the USTES Regional Administrator in Chicago, only where livable space would otherwise be wasted and "appropriate alternative measures have been taken to protect the health and safety of the employee. . . ."[6]

---

[6]The conditions, more fully stated, are that the "extent of the variation is clearly specified," and that the Regional Administrator is satisfied that:

> ". . . (1) such variation is necessary to obtain a beneficial use of an existing facility, (2) the variation is necessary to prevent a practical difficulty or unnecessary hardship, and (3) appropriate alternative measures have been taken to protect the health and safety of the employee and assure that the purpose of the provisions from which variation is sought will be observed." 20 CFR § 620.3(a).

In practice, the Federal policy is not effectuated. Local MESC officials make some inspections on their own, but usually rely on the work of State and local inspectors. USTES approval of an inspection involves no more than a cursory review, based on the inspector's own statement of his findings.[7] The USTES Regional Administrator may grant a variance without requiring a statement of the "alternative measures" promised by the camp operator, as is required. No very systematic effort is made to see that these promises are kept. If facilities are not maintained during the season, there are no effective penalties levied against camp operators. If a violation is reported, the MESC may cancel an employer's work order; but by the time this has occurred, the work has been advertised for some time, and needy workers are likely to arrive despite the cancellation.

The initial inspection, then, almost entirely determines the efficacy of the Federal policy, and the Federal officials here readily delegate their duties.

---

[7] Prior to 1970, MESC officials relied exclusively on the work of inspectors employed by the Michigan Department of Public Health or county and local agencies. This year, until mid-April, MESC officials accompanied Michigan inspectors pursuant to a USTES effort to secure better enforcement of the housing standards. This practice has been discontinued; however, MESC officials will make spot-checks on camps housing workers recruited through USTES facilities.

B. Michigan Standards

All of Michigan's migrant labor camps are governed by the general provisions of Public Act 289 of 1965, and by the regulations promulgated in 1969 by the Department of Public Health These regulations, as noted, also constitute the standard of eligibility for Federal recruitment.

Each camp must be inspected annually, and a permanent or temporary license is granted upon a finding that a camp and its "proposed operation . . . conforms or will conform" to the "minimu standards"[8] set forth in the rules.

Licenses may be suspended or revoked when violations are discovered.[9] For several reasons, revocation procedures afford no real protection to the workers. First, most camps are inspecte only once a year, before the season of occupancy. This casts the burden upon the workers to complain of deficiencies not apparent to an inspector visiting an empty camp, or deteriorations related to occupancy which are, nonetheless, the legal responsibility of the camp operator.[10] Many workers simply do not know the procedur

---

[8] Michigan Compiled Laws § 286.624.

[9] Michigan Compiled Laws § 286.627.

[10] Rule 325.1505 assigns responsibilities to camp operators and occupants. The division is not as sharp as it may appear at first, as may be seen by reading several of the rules, together with this one.

for complaining. Most of them are Mexican-Americans, unable to read the licenses posted in the camps, which are in English. Being away from their own homes, the workers cannot take the proprietary attitude toward local governmental institutions that resident citizens have. They also fear, for good reason, that seeking redress through local law enforcement or public health officials will cost them their jobs.

Again, where a complaint is made, the camp operator may demand a hearing with ten days' notice, and may appeal an adverse ruling to the courts. Since the workers stay in one place only for a period of weeks, sub-standard conditions may well persist until the work is finished and the workers move on.[11]

Finally, it would seldom be in the workers' interest to have a camp closed in mid-season, since it would burden them with finding new housing and, often, new employment.

---

[11] Michigan Compiled Laws § 286.627. Section 286.632 now authorizes the State Health Commissioner, through the Attorney General, to sue for injunctions against the operation of camps whose licenses have been revoked or suspended. House Bill 4362, pending at this writing in the Michigan legislature, would allow such actions to be brought, without the assistance of the Attorney General, against camp operators who have never been licensed, as well as those who have lost their licenses. The proposal, clearly a worthy one, does not address the key problem of delay.

36-513 O - 71 - pt. 7B -- 24

The basic legislation provides that violation of its provisions, or of the regulations, is a misdemeanor.[12] Still, although statistics are not now available, the experience of people active in the field of farm workers' problems is that prosecutions are rarely brought, and that convictions rarely result in the sort of sentence that could deter future violations. A recalcitrant operator would find it far cheaper to pay fines, even year after year, than to make the needed improvements in his housing.[13]

The remaining available remedy would involve greater reliance on civil actions for damages or injunctive relief against the camp operators. However, migrants cannot afford the legal fees, nor can they remain for the duration of the litigation without foregoing needed employment at other areas. Similarly, they could not return as witnesses in such litigation from their distant homes during periods when they have little income.

Thus, Michigan's policy, like that of the Federal system, must rely almost totally upon the stringency of the inspections in order to effectively enforce the housing regulations.

---

[12] Michigan Compiled Laws § 286.633.

[13] In a 1968 case in Grand Traverse County, a grower was fined $35.00 for operating a camp without a license. In Antrim County, a grower who pleaded guilty on two counts was fined $75.00 and sentenced to 90 days in jail, but the jail sentence was suspended. Not surprisingly, there appear to be no cases in which growers have actually served time for violations, however egregious

APPENDIX B

Percentage Tabulations of Questions on Survey Form

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
Occupied Camps								
1. Are farm workers living in the camps now?	132	89%	92%	12	8%	8%	4	3%
Licenses								
2. Did you see the license for the camp?	83	56%	59%	57	39%	41%	8	5%
3. Is the license posted for all to see?	67	45%	58%	48	32%	42%	33	23%
Drainage								
4. Is the camp well-drained?	80	54%	56%	64	43%	44%	4	3%
5. (a) When it is not raining, are there water or wet areas on the ground?	64	43%	48%	68	46%	52%	16	11%
(b) Sources of water:								
Rain	41	28%	64%*					
Well	8	5%	13%*					
Faucets	26	18%	41%*					

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
Dishwasher	9	6%	14%*					
Showers	15	10%	23%*					
Laundry	13	9%	20%*					
Toilet	6	4%	9%*					
Ditch	27	18%	42%*					
Drainpipe	5	3%	8%*					

* Percentages calculated on 64 camps answering "Yes" to 5(a).

Debris & Noxious Plants

6. Is there junk or trash in the camp area?	75	51%	54%	64	43%	46%	9	6%
7. (a) Is there the proper number of garbage cans in the camp area?	83	56%	65%	44	30%	35%	21	14%
(b) Are the cans tightly covered?	29	20%	27%	79	53%	73%	40	27%
8. How often is the garbage collected?	(110)	(74%)					(38)	(26%)
More than twice per week	2	1%	2%*					
Twice per week	8	5%	7%*					
Once per week	35	24%	32%*					
Less than once a wk.	28	19%	23%*					
Don't know	37	25%	34%					

* Percentages based on 110 camps.

4892

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
9. Who collects the garbage?	(60)	(41%)					(88)	(59%)
Migrant	20	14%	33%*					
Local government	3	2%	5%*					
Grower-operator-fieldman	37	25%	62%*					
* Percentages based on 60 camps.								
10. Are there poisonous plants or poisonous weeds in the camp area?	16	11%	11%	127	86%	89%	5	3%
Recreational Areas								
11. Is there a play area in the camp?	87	59%	61%	55	37%	39%	6	4%
Water Supply								
12. Is there enough water to meet the drinking, cooking, and washing needs of the camp?	117	79%	82%	26	18%	18%	5	3%
13. Is the water safe to drink?	111	75%	83%	22	15%	17%	15	10%
14. Sources of drinking water: (a) Cistern, spring, or open pond	3	2%	3%	113	76%	97%	32	22%

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
(b) Hand pump with open top or open spout	47	32%	36%	82	55%	64%	19	13%
(c) Open top well	8	5%	7%	112	76%	93%	28	19%
15. Is a drinking well located within 75 feet of any of the following:								
(a) Privy	30	20%	24%	97	66%	76%	21	14%
(b) Septic tank	8	5%	6%	117	79%	94%	23	16%
(c) Till field	5	3%	4%	120	81%	96%	23	16%
(d) Other sewage or liquid waste draining into the soil	16	11%	12%	110	74%	88%	22	15%
16. Is dwelling unit more than 100 feet from the closest cold water?	23	16%	17%	116	78%	83%	9	6%
17. Is running water piped into each place where people live?	25	17%	18%	116	78%	82%	7	5%
18. Do workers have to carry their own water?	86	58%	78%	24	16%	22%	38	26%

4894

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
Housing Structures								
19. Types of housing units provided:								
(a) Cabin	94	64%						
(b) Motel	23	16%						
(c) Shed	6	4%						
(d) Farmhouse	27	18%						
(e) Barn or Garage	18	12%						
(f) Quonset hut	5	3%						
(g) Bus	1	1%						
(h) Trailer	5	3%						
(i) Other	7	5%						
20. Condition of the Housing Units:								
(a) Does the roof leak?	43	29%	31%	95	64%	69%	10	7%
(b) Do the walls leak?	37	25%	28%	97	66%	72%	14	9%
(c) Is the floor smooth?	79	54%	68%	44	39%	32%	11	7%
(d) Do the floors get wet?	51	34%	40%	76	52%	60%	21	14%
(e) Can the walls be easily cleaned?	68	46%	51%	66	45%	49%	14	9%
(f) Do all the windows close?	102	69%	77%	30	20%	23%	16	11%

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
(g) Are broken windows replaced or repaired?	80	55%	61%	51	34%	39%	17	11%
(h) Are the doors solid and opened easily?	85	57%	64%	47	32%	36%	16	11%
(i) Are there screens on all open windows and doors?	79	53%	60%	53	36%	40%	16	11%
(j) Are the screens in good condition?	36	24%	47%	40	27%	53%	72	49%
Fire Safety								
21. Do all units have at least 2 fire exits?	83	56%	57%	62	42%	43%	3	2%
22. Fire Extinguishing Equipment: (a) Is there a way to put out fires?	72	49%	53%	65	44%	47%	11	7%
(b) If so, what equipment is provided:								
Extinguishers	25	17%	35%*					
Hose	36	24%	50%*					
Bucket	20	14%	28%*					
Other	5	3%	7%*					

* Percentages calculated on 72 camps answering "Yes" to 7(a).

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
23. Is the equipment placed within 100 feet of each house?	38	76%	58%	28	31%	42%	20	43%
Cooking & Eating Facilities								
24. Are the workers or families allowed to cook in the housing units?	128	86%	98%	3	3%	2%	17	11%
25. Are the units provided with the following: (a) Cookstove with at least 2 burners	128	86%	96%	6	5%	4%	14	9%
(b) Food storage shelves and work counters	104	70%	78%	29	20%	22%	15	10%
(c) working refrigerator	106	72%	81%	25	17%	19%	17	11%
(d) Sufficient tables and chairs for the family	76	60%	57%	58	31%	43%	14	9%
(e) adequate ventilation	81	55%	61%	51	34%	39%	16	11%

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
Lighting and wiring								
26. Is electricity furnished in all of the housing units?	143	96%	99%	1	1%	1%	4	3%
27. Is there at least one wall plug in each room?	104	70%	79%	27	18%	21%	17	11%
28. Is lighting provided in yards, pathways to privies, showers, dining halls, and other common use areas?	42	29%	31%	92	62%	69%	14	9%
29.(a) Are there bare electrical wires?	17	11%	14%	108	73%	86%	23	16%
(b) Are they exposed to paper, cardboard, or other materials that burn easily?	18	12%	21%	66	45%	79%	64	43%
30. Does the family have to pay for the electricity?	13	9%	15%	71	48%	85%	64	43%

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
Heating								
31.(a) Is heating provided in the houses?	70	47%	55%	57	39%	45%	21	14%
(b) If so, what kind is used?								
Cookstoves	44	31%	63%*					
Electric heater	6	4%	9%*					
Furnace	4	3%	6%*					
Other	16	11%	23%*					

* Percentages based on 70 camps.

32. Is the heating system safe?	18	12%	26%*	40	27%	57%*	12	17%*

* Percentages based on 70 camps answering "Yes" to 31(a).

33. Heating fuels: What kinds of fuels are used in the heating system:			
(a) Kerosene	5	3%	7%*
(b) Oil	5	3%	7%*
(c) Coal	1	1%	1%*
(d) Wood	9	6%	13%*
(e) Butane	40	27%	57%*
(f) Other	1	1%	1%*

* Percentages based on 70 camps answering "Yes" to 31(a).

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
Overcrowding								
34. In houses for families with children over 6, must children sleep in the same room as their parents?	101	67%	70%	44	30%	30%	3	2%
35. Must children sleep with their parents?	34	23%	39%	53	36%	61%	61	41%
36. Average number of people sleeping in a single bed:	(55)	(37%)					(93)	(63%)
1-2 per bed	14	9%	25%*					
2 per bed	12	8%	22%*					
2-3 per bed	9	6%	16%*					
3 per bed	9	6%	16%*					
4 or more per bed	13	9%	24%*					
37. Must people sleep on floors or in cars?	33	22%	26%	95	64%	74%	20	14%
Bathing Facilities								
38. Are bathing facilities provided?	94	66%	68%	44	27%	32%	10	7%

* Percentages based on 55 camps.

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
39. If bathing facilities are provided: (a) Do they have hot and cold water under pressure?	65	44%	74%	23	15%	26%	6	6%*
(b) Are they clean and sanitary?	58	39%	70%	26	18%	30%	10	11%*
(c) Are they within 200 feet of each house?	67	45%	85%	12	8%	15%	15	16%*
(d) If showers are provided, are there the required number of heads per adult occupant?	48	32%	62%	30	20%	38%	16	16%*
(e) If a central shower building is used, is there adequate dressing space?	50	34%	57%	33	22%	43%	11	6%*
(f) Are hooks for clothes provided?	26	18%	46%	30	20%	54%	38	40%*
(g) Are there stools or benches to sit on?	21	14%	40%	31	21%	60%	42	45%*
(h) Separate facilities: If central showers are used, are there separate areas for men and women?	61	41%	80%	15	10%	20%	18	19%*

* Percentages calculated on the basis of 94 camps answering "Yes" to 38.

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
40. Who cleans the shower rooms:	(42)	(45%)*					(52)	(55%)*
Migrants	40	43%*	95%**					
Owners	2	2%*	5%**					

* Based on 94 camps
**Based on 42 camps

Laundry Facilities

41. Is there a place to wash clothes?	59	40%	44%	74	50%	56%	15	10%
(a) Are the facilities provided with hot and cold running water?	29	20%	59%	20	14%	41%	10	17%*
(b) Is there a sufficient number of tubs, trays and washers?	40	27%	68%	19	13%	32%	0	0%

* Based on 59 camps.

Toilet Facilities

42. Does each family have its own toilet in the housing unit?	32	22%	23%	107	72%	77%	9	6%
43. Is there a sufficient number of flush toilets or urinals?	83	56%	65%	45	30%	35%	20	14%
44. Are there separate toilets for men and women?	78	53%	62%	48	32%	38%	22	15%

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
Toilet Facilities (cont'd)								
45. Are the toilets well-lighted?	25	17%	17%	118	80%	83%	5	3%
46. Are the toilets well ventilated?	41	28%	29%	102	69%	71%	5	3%
47. Are toilet paper and holders provided?	34	23%	24%	106	72%	76%	8	5%
48. If there are privies, are they fly tight?	35	24%	27%	93	62%	73%	20	14%
49. Is there any privy closer than 50 feet to a housing unit?	57	39%	44%	72	48%	56%	19	13%
50. Are all living units within 200 feet of the nearest toilet?	113	76%	81%	27	18%	19%	9	6%
51. Are the toilets and privies clean?	52	35%	38%	84	57%	62%	12	8%
52. Who cleans the toilets and privies?	(82)	(55%)					(66)	(45%)
(a) Migrants	68	46%	83%*					
(b) Owner	1	1%	1%*					
(c) No one	13	9%	16%*					

* Based on 82 camps.

Question	Yes	% of Total Camps	% of Responding Camps	No	% of Total Camps	% of Responding Camps	Non-Responses	% of Non-Responses
Toilet Facilities (cont'd)								
53. Are the pits limed each year?	20	14%	28%	57	38%	72%	71	48%
54. Are the pits less than 1 foot deep?	6	4%	46%	7	5%	54%	135	91%
55. Who digs the new pits?	(48)	(32%)					100	68%
(a) Migrants	29	20%	60%*					
(b) Owners	19	12%	40%*					
* Based on 48 camps								
MESC Camps								
56. If the workers were recruited from outside the state, who recruited them?	(137)	(93%)					(11)	(7%)
(a) MESC	14	9%	10%					
(b) Large company recruiter	33	22%	24%					
(c) Crew chief	39	26%	28%					
(d) Free wheeler	24	16%	18%					
(e) Returns each year	24	16%	18%					
(f) Other	3	2%	2%					

APPENDIX C

Inspection Sheet

Please answer as many questions as possible.

Inspector's Name

Date Inspected

Inspector's Phone Number

Name of Camp

Owner's Name

Location of camp:
Be as specific as possible so a stranger could find it.

County

Nearest Town

Nearest Street Name and Number

Direction and Distance from nearest town

1. Are farm workers living in the camp now? Yes No

2. Did you see the license or permit for the camp? Yes No

   (a) Is it posted for all to see in the camp: Yes No

   (b) How many people does the license say can live in the camp? _____

   (c) What is the license number of the camp? _____

   (d) How many people do you think can live in the camp? _____

3. How many people in this camp are 12 years or older? _____

   How many people are under 12 years old? _____

36-513 O - 71 - pt. 7B -- 25

CAMP AREA

4. Is the Camp well drained? (That is, free from swampy areas where mosquitoes can breed.) Yes No

5. When it is not raining, is there water or wet areas on the ground? Yes No
Is Yes, is this from: (make check marks)

rain ( )	dish water ( )	laundry ( )
the well ( )	septic tank ( )	toilets ( )
water faucets ( )	showers ( )	ditch ( )
		drain pipe ( )

6. Is there junk or trash in the camp area? Yes No

7. Number of garbage cans in the camp area? _____
(a) Are they tightly covered? Yes No
(b) How often is garbage collected: (check one)

twice a week? ( )	once a week? ( )
more than twice a week? ( )	less than once a week? ( )
	don't know ( )

8. Who collects the garbage?_____

9. Are there poisonous plants or poisonous weeds in the camp area? Yes No

10. Is there a play area? Yes No

WATER SUPPLY

11. Is there enough water to meet the drinking, cooking, and washing needs in the camp? Yes No

12. Is the water safe to drink? Yes No
If No, why don't you think so_____

_____

_____

13. Does drinking water come from any of the following
(a) cistern, spring, pond or open stream? Yes No
(b) hand pump with open top or open spout? Yes No
(c) open top well? Yes No

14. Is any well located within 75 feet of any of the following:

(a) privy?	Yes	No
(b) septic tank?	Yes	No
(c) tile field?	Yes	No
(d) other sewage or liquid waste draining into the soil?	Yes	No

15. Is any home more than 100 feet from the closest cold water? Yes No
If Yes, how far is it?_____

16. Is running water piped into each place where people live? Yes No

17. Do workers have to carry their own water? Yes No

HOUSING

18. Type (s) of housing units provided:

Type	Number of separate structures	Approximate outside measurement of each unit
Cabin (small house)	_____	_____
Motel	_____	_____
Number of separate living Units	_____	_____
Shed	_____	_____
Farm House	_____	_____
Number of rooms	_____	_____
Barn or garage	_____	_____
Quonset (metal) hut	_____	_____
Chicken House	_____	_____
Bus	_____	_____
Trailer	_____	_____
Other (please explain		
_____	_____	_____
_____	_____	_____

19. (a) Does the roof leak? Yes No
(b) Do the walls leak? Yes No
(c) Is the floor safe? Yes No
(d) Is the floor smooth? Yes No
(e) Do the floors get wet? Yes No
If yes, where does the water come from? _____

(f) Can the walls be easily cleaned? Yes No
(g) Do all windows close? Yes No
(h) Are broken windows replaced or repaired? Yes No
(i) Are doors solid and do they open easily? Yes No
(j) Are there screens on all windows and open doors? Yes No
(k) Are they fixed? Yes No
(l) Other problems you saw: _____

20. Do all units have at least two ways to get out in case of fire?
(One may be a window big enough to crawl through--24x24 inches and not more than 3½ feet from the floor.) Yes No

21. Is there a way to put out fires?
(a) How?
(1) fire extinguishers ( ) (3) bucket ( )
(2) hose ( ) (4) other ( )
explain_____
(b) Are they kept for this reason within 100 feet of each house? Yes No

22. Is the worker or family allowed to cook and eat in his house? Yes No
If Yes, are the following provided:
(a) Cookstove with at least 2 burners? Yes No
(b) Food storage shelves and work counter? Yes No
(c) Working refrigerator? Yes No
(d) Enough tables and chairs for the family? Yes No
(e) Adequate ventilation? Yes No

23. Is electricity furnished in all the homes? Yes No

24. Is there at least one wall plug in each room? Yes No

25. Is lighting provided for yard pathways to privies, showers, dining hall, etc.? Yes No

26. Are there bare electrical wires? Yes No
Are they exposed to paper, cardboard, or other materials that burn easily? Yes No
Does family have to pay electricity? Yes No
If Yes, is there a light meter? Yes No

27. Is there a place for hanging and storing clothes in each home? Which? (check) Yes No
(1) closets ( ) (3) pipe ( )
(2) ropes in living area ( ) (4) hooks ( )
(5) other _____

28. In houses for families with children over 6 years old, must children sleep in the same room as their parents? Yes No
Average number of people per bed. _____

29. Do people have to sleep on the floor or in cars? Yes No
Must children sleep with their parents? Yes No
Average number of people per bed _____

HEATING

30. How are the houses heated?
(a) cookstove ( ) (d) open fire ( )
(b) electric heater ( ) (e) nothing ( )
(c) furnace ( ) (f) other ( )

31. When do workers arrive in camp?_____
When do they leave?_____

32. Is the heating system safe? Yes No
If No, why don't you think so? _____

(a) Kind of fuel used:
kerosene ( ) charcoal ( ) paper ( )
oil ( ) wood ( ) cooking stove ( )
coal ( ) butane gas ( ) other ( ) _____

BATHING AND LAUNDRY

33. Are bathing facilities provided? (only showers, bath tubs, or large metal tubs are acceptable) Yes No

34. If bathing facilities are provided:
    (a) Do they have hot and cold water under pressure? Yes No
    (b) Are they clean and sanitary? Yes No
    (c) Are they within 200 feet of each house? Yes No
        If No, how far must people living in the farthest house walk to get to them?_____
    (d) If showers are provided, how many shower heads are there? _____
    (e) If central shower buildings are used, is there adequate space for dressing? Yes No
    (f) Are there hooks for clothes? Yes No
    (g) Are there stools or benches to sit on? Yes No
    (h) If central shower buildings are used, are there separate shower rooms for men and women? Yes No
    (i) Who cleans the shower room? Migrants ( )
        Paid Migrants ( ) Owner ( )

35. Is there a place to wash clothes? Yes No
    Does it have hot and cold running water? Yes No
    How many wash tubs are there? _____

    How many laundry trays are there? _____

    How many working mechanical washers are there? _____

TOILETS

36. Does each family have their own toilet? Yes No

37. If toilets are shares:
    (a) Number of privy seats . . . . . _____
    (b) Number of flush toilets . . . . . _____
    (c) Are there separate toilets for men and women? Yes No
    (d) Number of Urinals . . . . . _____

38. Are toilets well lighted? Yes No

39. Are toilets well ventilated? Yes No

40. Are toilet paper and holders provided? Yes No

41. If there are privies, are the pits fly tight? Yes No

42. Is any privy closer than 50 feet to any house? Yes No
    If Yes, how far is it to the nearest toilet? _____

43. Are all living units within 200 feet of the nearest toilet? Yes No
    If No, how far is it to the nearest toilet? _____

44. Are toilets and privies clean? Yes No

45. Who cleans them? Migrants ( ) Paid Migrants ( )
Owner ( )

46. Are pits limed each year? Yes No

47. How deep is the pit? _____

48. Who digs new pits? _____

ADDITIONAL INFORMATION

49. If the workers are from out of state, how were they recruited?
State Employment agency ( ) Free Wheeler ( )
Large Company Recruiter ( ) Returns each year
Crew Chief ( ) to each grower ( )
Other (explain)_____

_____

50. List any charges made by the camp operator to the occupants. (for example, maintenance, upkeep, gas, rent, electricity, showers, blankets, bedding, gloves, aprons, boots, etc.)

4912

MIGRANT RESEARCH PROJECT

ANNUAL REPORT 1969

MANPOWER EVALUATION & DEVELOPMENT INSTITUTE
1329 18th STREET N.W., WASHINGTON, D.C. 20036 202 387-1028

Annual Report -- 1969

Migrant Research Project (M.E.D.I.)
1329 18th Street N. W.
Washington, D.C., 20036
Miss Margaret Garrity, Director

January 31, 1970

Table of Contents

Introduction I
Methodology I
Demographic Characteristics II
Summary of Conclusions and Recommendations III

Part I
Chapter I — Perspective 1
Chapter II — Lack of Food as it Relates to Lack of Income 4
Chapter III — Sources of Income: Wages, Bonus—Impact of Mechanization 5
Chapter IV — Housing: A Fringe Benefit of Employment 11

Part II
Chapter V — Administrative Barriers to Welfare 16

Part III
Chapter VI — Negotiation for Change 20

Part IV — Special Studies
Chapter VII — Worker Survey Sampling 23
Chapter VIII — Special Wisconsin Project 27
Chapter IX — South Texas Survey 30
Chapter X — Special Housing Survey 34
Chapter XI — Diary of Sugar Beet Worker 37

Part V
Acknowledgments 42

INTRODUCTION

The Migrant Research Project of the Manpower Evaluation and Development Institute was funded by the Office of Economic Opportunity in 1968 under two grants. One, from the Office of Emergency Food and Medical Services was to provide emergency food and medical services to needy migrants. The other, funded by the Office of Demonstration and Research, was to determine whether migrant agricultural and seasonal farmworkers were discriminated against by public agencies delivering services to the poor. If they were, we were to determine the extent and nature of that discrimination, and to propose and effect solutions which would serve to correct the problems of hunger and malnutrition among migrants. A small amount of money for legal advocacy was available.

Therefore, the project saw as its mandate, a threefold purpose:

a) to provide Emergency Food and Medical Services funds to needy migrants.
b) to accumulate and document facts which establish the existence of practices and attitudes which exclude migrants from adequate participation in federal food and other relevant programs.
c) to provide technical assistance to migrant groups and to government agencies in an effort to improve the provision of needed service to migrants.

Methods were selected to gather current and unbiased information seeking to determine whether migrants generally are excluded from participation in federal programs established to assist other American citizens.

The result of the scope and approach of this project has provided, what we believe, is valuable information and insight into the nature of the problem of the migrant worker. In view of this, the purpose of this report is not, in all instances, to provide clear reasons for the necessity of legal remedies to the plight of the migrant; but rather through the composite of information, provide a framework for further discussion and investigation of the many issues which cloud the lives of those who labor in the fields of this Nation. We acknowledge the immense complexity of the issues and problems here raised. We also acknowledge the need for all citizens to find solutions to the social and economic ills that plague the lives of those affected by migrancy. It is hoped this report may serve as a tool to more clearly define the problem and point to solutions.

METHODOLOGY

The Migrant Research Project was funded as a national program with a partial mandate to fulfill emergency requests for food when there was no alternate solution. Therefore, it was necessary to so structure the agency to cope with the life pattern of the migrant and the vocation he pursues. Secondly, it was necessary to collect information from and about the public agencies responsible for implementing programs from which he was to benefit, at the federal, state, and local level.

This double duty made it necessary to develop a distribution system by which the agency could have both a strong and informed base for information and advocacy and maintain available field contacts with migrants. The migrants and their representative organizations, e.g. indigenous groups and Office of Economic Opportunity, Title III-B grantees were to distribute funds, respond to the need for local advocacy, and to gather data. Consequently, the agency developed a methodology of funding sub-contractees, hereinafter referred to as "grantees." Thirty-two such grantees were funded by The Migrant Research Project to handle emergency food money and, with the assistance of the Migrant Research Project staff, gather data to be used as the basis of this report. Two other grantees were funded for special projects; one medical, the other technical assistance to a producers' cooperative. In addition, a study was made of official state welfare plans and food plans to determine whether or not they contained sufficient flexibility to meet the emergency needs of migrants, and whether the state and local officials were using this flexibility to the best advantage of hungry migrants. In conjunction with this, the Migrant Research Project staff studied the federal laws and regulations pertaining to these programs to determine the amount of flexibility possible at the state and county level to administer to the needs of migrants.

Laws pertaining to employment conditions which directly contribute to hunger problems of migrant workers were studied to determine the extent to which migrant workers were protected by these laws, and whether the laws were implemented. These included the Employment Security Act, the Crew Leader Registration Act, and the Fair Labor Standards Act. Other laws, such as the Workmen's Compensation Acts of several states, were studied to determine the exclusionary practices of such laws as far as agricultural workers are concerned.

Field data was collected in three ways: 1) Personal interviews with migrants by Migrant Research Project staff or delegate agency staff, 2) Questionnaires, correspondence, or special projects with state public agencies and/or grantees; and 3) Special projects or conferences with federal agencies or congressional leaders.

It was clear from the beginning that providing food services to needy migrants in emergency situations offered a potential for information gathering that could be important in determining the cause of the poverty of migrants. Thus, the Migrant Research Project in so expanding and developing this potential has demonstrated the ability to be effective as a catalyst agency and as a coordinator while successfully aiding migrants to seek and secure needed food services.

The information and data gathered by The Migrant Research Project is large in volume. While no claim is made to present these facts as detailed in-depth research, enough documentation exists to present the broad pattern of problems that migrant workers face in every state. Consequently, on the basis of the data collected, it is possible to make recommendation that certain

changes must take place in the legislative process as it affects migrants, and in the enforcement of laws to alter the economic and social pattern of their lives. The statistics presented are based on a sampling of migrants who, by reason of an emergency, requested food assistance, and who, in many cases, were served in a pressed time situation. The results, therefore, are subject to errors of response and reporting as well as being subject to sampling variability.

The total number of migrants served by the Migrant Research Project, reflected in this report, was 3,078 families. This represents 20,949 individuals fed for a total of 192,007 people days,1 or an average of 9 days per person. Cost per person averaged 53 cents per day. The assistance was given in 18 states, 5 home-base states and 11 stream states. The time during which the assistance was granted was from December 1968 through September 1969—10 months.

(1)—People days—individuals fed X days fed.

DEMOGRAPHIC CHARACTERISTICS

The demographic characteristics of the group are reflected in the following tables. Please note the tables do not include total figures from Colorado, Michigan, Missouri, northern Utah, Indiana or California. Submission of material from these grantees was received too late for tabulation or it was in an incomplete state.

TABLE I
Annual Family Income

	Over $3000	$2500-$3000	$1500-$2500	Below $1500
	308	292	751	2720
%	8%	7%	18%	67%

TABLE II
Ages of Family Members

	0-5	6-15	16-21	22-44	45-64	65+	Total
	4440	7317	2910	3977	1803	491	20,949
%	21%	35%	14%	19%	10%	2%	101%

It is interesting to note more than one-half of the individuals fed through the Migrant Research Project program were children under the age of 15 years.

TABLE III
Family Size

	1	2-4	5-7	8-10	11-13	14+	Total
	372	1080	1193	900	379	148	4070
%	9%	27%	29%	22%	9%	4%	100%

56%
35%
65%
64%

Migrant workers at Yoder Bros. flower propagating farm in Ft. Myers, Florida. Jobs arranged through CAMP.

CONCLUSIONS AND RECOMMENDATIONS

III

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

The Migrant Research Project, over the past year, has documented and disseminated facts regarding those practices which exclude migrants from adequate participation in federal food and other relevant programs. **The major conclusion from this study is that migrant workers are administratively kept from such participation by exclusionary clauses in federal and state labor, social, and other protective legislation.**

Special Provisions Needed

Insistence of government, at all levels, that proper implementation of legislation must be developed to the advantage of the majority of its voting citizens insures that the "voiceless" migrant will have little consideration in the passage of such laws. Further, regulatory agencies charged with administration of such programs are equally as zealous in the guidelines they develop to assure careful "implementation of the act" in accordance with the "intent of Congress." Narrow interpretation and bureaucratic red tape is a major result.

Governmental agencies implementing labor, welfare, and other programs must be accountable for following the statutes that created these agencies. **They must develop fair and equitable rules and procedures to carry out the intent of the law. They must also provide fair procedures to persons seeking redress from the agency.**

Careful analysis of the problems of migrancy both to the workers and to those communities who utilize the services of migrants as a part of the community's economic life, must be related to the ability of both governmental and private agencies to accomodate such workers to the benefits of community life. Of necessity, this requires an extraordinary amount of coordination of services and common goals between those agencies able to control and deliver such benefits. **Accomplishment of such coordination can only be achieved with careful planning of goals, staffing patterns, and resources of the entire community.** Critical to migrants receiving services is the attitude of community leaders and the accomodation they are willing to allow to the non-resident migrant. Significant data are contained in the pages of this report as a result of the special projects conducted by the Migrant Research Project to have demonstrated that such coordination and common goals do not exist nor are they likely to occur.

Therefore, it is the second conclusion of this report that it is not possible to incorporate citizens of a mobile nature into present structures of welfare assistance designed to meet the needs of a resident population. The reasons for this are more fully developed under the section entitled, **Administrative Barriers to Welfare.**

Agencies distributing food stamps or commodities should make **special provisions to expedite the servicing of migrants.** Specific steps to be taken should include evening office hours, utilization of bilingual staff or volunteers, and the vending of food stamps on a daily basis rather than only on certain days.

Commodity counties should make provisions to have additional food stuffs available during the harvest season. Furthermore, supplemental direct relief monies should be made available to provide supplemental but essential foods not available with commodities.

Necessity for National Standards

Since it is incumbent, in a democratic society, for the government to provide equally for the needs of all of its citizens, it becomes essential for government to establish programs that will assure equal treatment for the mobile agricultural migrant. However, those who argue that all citizens must be served under identical regulatory procedures should bear in mind the small proportion of migrants who are able to receive assistance under the exclusionary regulations presently in effect. Equal consideration under the law is impossible when the regulations enacted do not consider the inability of the mobile migrant applicant to comply with eligibility requirements under the conditions which are basic in his life style and employment pattern.

Each of the states of this Nation develops guidelines and receives approval for the federally assisted welfare programs they administer. This not only allows for, but insures there will be variances in the eligibility requirements and the benefits of such plans. A migrant worker must make application for assistance in each county where he travels and finds himself in need of welfare services. Not only does his lack of knowledge concerning the variances in eligibility requirements and benefits in the state plans compound his confusion, but generally he cannot furnish the variety of documents that are necessary.

Because of the combination of these factors, the Migrant Research Project recommends the enactment of a National certification process for migrant agricultural workers which will provide for national eligibility certification in the homebase state. It should be based upon the applicant's annual wage on a self-certification basis. Once eligibility is determined, the migrant worker should be issued a card which shall be honored for services at all welfare offices in the United States for all Federally assisted programs during that period of time such eligibility is declared to be in effect. The costs to the individual counties for such assistance should be 100% reimbursed by the federal government. Eligibility should be determined during the off-season and be established for one-year periods of time.

If it is deemed necessary and proper, random checks to determine the percent of accuracy achieved on the self-certification basis can be made through the United States Social Security Administration which should have an accurate recording of all earnings. It should be pointed out, however, that the cost/time factor of the lengthy verification procedure required to certify migrants under the present system far outweighs the cost of services for that small percentage of migrant workers who might receive services for which they were technically ineligible. This is particularly true in food programs.

Responsibilities of the Department of Agriculture

It is the final conclusion of this report that the United States Congress must impartially and fairly consider the needs of all of its citizenry; and acting in its behalf, make sweeping legislative changes in programs and laws at the federal level which will create a proper, efficient and profitable method of maintaining the agricultural economy, provide for equal protection of the civil and civic rights of the agricultural migrant workers, and, thereafter, insist upon fair and just implementation

of such laws. The United States Department of Agriculture has demonstrated an ability to serve the need of the farm owner, whether large or small, in a variety of programs which protect his land, his crops, and his income. There can be no question about the high priority the Congress has placed on the farm programs of the various administrations. It is time for the farm worker to be brought under the same protection of the income supplement programs of the United States Department of Agriculture as are established to the benefit of the farm owner. It is our recommendation that the vast resources of staff and budget of the United States Department of Agriculture be charged specifically by the United States Congress with gaining for the farm workers a more equitable share of the benefits of the vast numbers of programs available to the farm owner.

—From CHILD OF HOPE.

PART I

Chapter I— PERSPECTIVE

A common focus on migrancy is difficult to establish. The Migrant Research Project has utilized simple information gathering techniques in the three major stream areas to enable us to describe a family representative of the migrant population.

The Migrant Research Project migrant population presented here is a composite of the black migrant in the East and the Mexican-American migrant of the Mid-West and Southwest areas. Therefore the reader is cautioned to keep in mind that this population is a composite of two ethnic groups facing similar problems, that cut across cultural lines. This is possible because agricultural migrancy is a vocation, not a cultural group. The problems and difficulties presented apply to all streams and in all geographic areas. Thus it matters little where the field work is performed, the facts of the employment, as revealed in the Migrant Research Project surveys are constant and the same. No work was done by the Migrant Research Project in the predominately Appalachian white migrant areas.

The typical agricultural migrant applying for Migrant Research Project emergency food assistance was traveling in a crew with a family of averaging 6.7 total persons. He wintered in the home-base states of Texas, Florida, Alabama, Mississippi, or Louisiana. He was largely unemployed during the winter months, particularly if his homebase area was the Rio Grande Valley of Texas. He often tried to seek work as an unskilled laborer in industry, just as his summer grower employer in agriculture in the north, often seeks and is employed in industry during the winter. Since the mechanization of cotton has become almost totally complete, more of his family group and his friends have begun migrating across state lines into other winter homebase states.

The constant battle to maintain his family has forced the migrant into a debt economy from which he never emerges. Loans against future earnings are necessary and sought from every possible source. This complicates even the small bargaining power he may have for gaining better working conditions and better wages —a bargaining power which is almost solely his wits.

A low educational level and lack of knowledge of not only assistance resources but his right to such assistance requires concerted outreach effort on the part of the welfare and health agencies. This effort is almost never made nor is it administratively planned for by federal, state, or county agencies with such responsibility. Understaffed and underbudgeted local agencies use the variances in state plans and durational residency requirements as justification for eliminating migrants from desperately needed assistance. In this way, the government reinforces the debt economy status of the Migrant and firmly establishes his peonage.

Entering the Stream

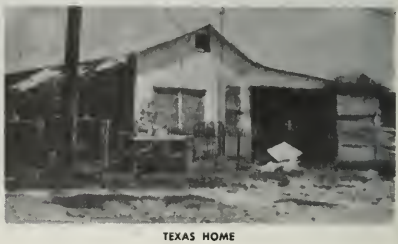
Our typical migrant family left the home-base area in early spring. He was recruited to work in the north without any type of legitimate contract which spells out wages, working conditions, fringe benefits, etc. Indeed, 85 percent of the migrants studied by the M.R.P. worker survey form were not told when recruited what their wages would be for the work for which they were recruited. Seventy-nine percent of the migrants surveyed had not signed a contract. Of those 21 percent who had signed any papers, 79 percent had not received a copy. During recruitment, our MRP migrant was often encouraged by the recruiter, vying to fill work orders from the north on a per capita fee basis, to list as workers as many family members as possible. Loans made to cover travel expenses are made on a per worker basis. Food for the entire family must come from this loan. Thus there is considerable incentive to list children 10 years of age and sometimes younger as workers.

An average travel pattern in the Mid-West stream— from Crystal City, Texas to Washura County, Wisconsin for pickle and cucumber harvests, is an 1800 mile drive. At $ .11 per mile operating costs[2], the migrant needs $198.00 to operate an automobile, his usual means of transportation.

Taking into consideration the cost of transportation plus the additional necessary costs of food and lodging on the way, the migrant worker has spent as much money trying to get to his place of employment as he may make for the first several weeks of the season. If the crop is poor, he is left with very little or, more often, no money with which to purchase food.

Debt Economy for the Workers

On the average, the Migrant Research Project typical family arrived in the work area three weeks prior to the



TEXAS HOME

(2)—An analysis of automobile operating costs by the Bureau of Public Roads of the Federal Highway Administration, U.S. Dept. of Transportation is based on a $2,800 car driven 100,000 miles over a 10 year period.*

- 2.8c original vehicle cost depreciation
- 2.1c maintenance, accessories, tires and parts
- 1.7c gas and oil (excluding taxes)
- 1.8c garage parking, tolls
- 1.4c insurance
- 1.2c state and federal taxes

(*November, 1968 Some costs have increased since this report was prepared in January, 1968, but the increases are not yet deemed to be sufficient to warrant making and issuing a new report.)

time field work was available. Again, the necessity for food forced the family deeper into debt and further loans against future earnings were obtained from the grower.3

At times, these were made in the form of grocery coupons which had to be redeemed in a specified store. Wage collection laws prohibiting this practice did not cover him as an agricultural worker, and thus, his limited freedom was further entailed by limiting the way in which his money could be spent to purchase food—often at inflated prices. He could not purchase food stamps where his purchasing power would be greater, better enabling him to nourish his family. Nor could he buy fuel to warm them and guard against the upper respiratory infections which are chronic with his family. Small wonder his newborn child died at a rate of 200% higher than for the rest of the population or that he, himself, has a life expectancy of 49 years.4

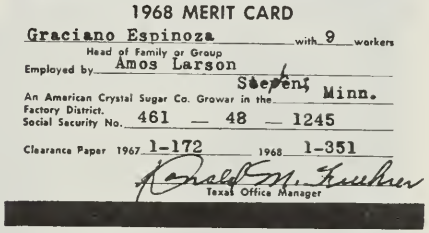
The other major factor in the life of the Migrant Research Project migrant family is "hope for a good season." It is this hope which propels him into the stream and makes him vulnerable to the verbal promises of the recruiter.

Once the typical Migrant Research Project migrant family began work, need for rapid income and the grower's need for immediate field work meshed. All family members went into the fields. There was little evidence of the willingness of public educational agencies to enforce school attendance laws even though the children in the Migrant Research Project family were on the average two grades behind normal for their age level. Overcrowded classrooms, language difficulties, transportation problems and shortness of the term were the major reason for this lack of interest.

Most public school agencies held the belief that the migrant children completed their school year in Texas before coming north; thus, parents, employers, and public school systems implement the child labor recruitment that takes place in the homebase.

Wage Difficulties

Field and work conditions brought about by weather and the use of herbicides are the major cause of the wage and hour complaints expressed by the migrant, but rarely filed formally. To further insure the availability of ready labor; and as a condition of employment, the Migrant Research Project migrant family generally agreed verbally to a "hold-back" of a percentage of his weekly earnings which is referred to as a "bonus." This money is paid him at the end of the season if he "satisfactorily" completes his work and moves from field to field as requested. "Satisfactory completion of work" is interpreted to mean that the migrant must remain for as little as nine or ten hours work per week, or until the grower has no further need of hand labor.



1968 MERIT CARD

Graciano Espinoza with 9 workers
Head of Family or Group
Employed by Amos Larson
Stepent Minn.
An American Crystal Sugar Co. Grower in the Factory District.
Social Security No. 461 — 48 — 1245
Clearance Paper 1967 1-172 1968 1-351
Ronald M. Faulkner
Texas Office Manager

In addition, regular deductions from wages were made to insure repayment of past loans. This diminished the availability of ready cash with which to purchase food stamps, food, or medical treatment, let alone the transportation needed to seek other work. At times, a migrant negotiated for an early release in order to keep commitments to growers in other areas. When not successful, he was sometimes forced to leave without all the wages he felt were due him to avoid being "blacklisted" at the next worksite which would mean not only loss of work this crop season, but in ensuing years as well. If the crew leader or recruiter had committed him to another worksite, he felt compelled to honor this non-existent work contract. Since generally he received no payslips of weekly earnings with itemized deductions, there is no proof of any descrepancy in wages earned and received.

Altogether our typical migrant family had twelve employers during the year and traveled through at least eight states. Since the summer of 1969 was a disaster in the crops, he had little to show for his summer's earnings, and returned to Texas hungry, without resources, a victim of administrative structure and exclusion from the legislative processes. His average annual wage was less than $1500.

It should be stressed that the above circumstances are his everyday facts of life not experienced piece-meal in several areas, but wherever our Migrant Research Project migrant traveled. We shall deal with some of the many difficulties he experiences in the following sections of this report, and make an attempt to clarify from our research, the many conditions and structures which collectively insures that these problems do and will continue to exist. The recommendations based upon our study may prove startling to all who strive to alleviate these conditions under the present structure of government. We hope they will receive careful study and consideration.

(3)—The majority of migrants who received MRP food assistance in the stream states had not previously applied to public welfare assistance offices for certification for food programs. The reasons for this are not clear nor was MRP able to gather sufficient documentation to draw definite conclusions. A major difficulty was the requirement for verification of income. Another contributor appeared to be lack of out-reach personnel in public assistance offices for there to be serious effort to extend services to migrant labor camps. However, it must be said that when such out-reach did occur, whether it was provided through the welfare office or from an outside agency; and when the migrant worker was able to provide sufficient documentation so as to prove eligibility, the majority of workers who did apply for food programs did receive such assistance.

(4)—U.S. Public Health Service—Migrant Health Division. (Although all of the migrant families requesting emergency food assistance met the income eligibility standards to receive public welfare assistance, only 495 actually received such help. This was either Aid to Dependent Children or Social Security in most instances. A total of 2,198 families applied for welfare assistance. The principal reason given for denying general welfare assistance upon application was residency, yet the Migrant Division of the Office of Economic Opportunity found 12% of the migrant population to be malnourished.)

(Photos by Jo Moore Stewart)

"Every man beareth the whole stamp of the human condition."
—MONTAIGNE.

Chapter II

LACK OF FOOD AS IT RELATES TO LACK OF INCOME

The serious problem of malnutrition and nutritional deficiency in the United States has not limited itself only to to the poor, but has demonstrated itself to be a problem of the affluent as well. Consequently, health educators and nutritionists have made a strong case for the need of effective education programs. Food additives and concentrated snack items have appeared on the market and much attention has been given to publicizing the appalling nutritional problems that exist.

The relationship of family income to malnutrition, while not clearly demonstrated, must be basic to any argument in support of food programs. Thus, poverty as a basic cause of malnutrition among migrant workers in an assumption of this report.

To argue this supposition, the Migrant Research Project entered into an agreement with the Migrant Action Program of Iowa to determine the effect of income upon food purchases and diet of poor migrants.

MAP was able to utilize emergency food money provided by MRP in three ways: 1) to purchase federal food stamps to take advantage of their bonus purchasing power, 2) to augment food stamp purchases with direct purchase from retail outlets, 3) direct purchase from retail outlets in those places or at those times when food stamps and commodities were not available.

Using the direct purchase of food from retail outlets as the basis of the study, MAP arranged with grocery stores to accept food vouchers issued by MAP workers to needy migrants for purchase of food. No attempt was made to influence the items purchased nor was any health and nutrition education program attempted. The only condition placed upon purchase was that they be made for edible items under the terms of the Federal Food Stamp Act.

Grocers, in turn, agreed to bill Migrant Action Program and to supply itemized lists of food items purchased by the migrants.

MAP later reported that "even with the food stamp program, many families simply cannot afford an adequate diet. Furthermore, many families cannot... get certified for the food stamp program or cannot afford to purchase stamps."

To be eligible for participation in the project, a migrant had to meet the Office of Economic Opportunity guidelines as defined by the Migrant Division of OEO. Emergencies which generated the assistance were defined as "including periods of unemployment when the family lacked sufficient money to purchase food stamps or when emergency medical situations arose." No attempt was made to document classification of purchased food items when resources other than MRP funds were the major source of food purchased, or when food was purchased with food stamps. This will be picked up in the coming year.

Purchases under the MRP contract totaled 310, serving a total of 1,906 individuals for an average family size of 6.1 members. The average cost per individual served was $ .57 per day[5]. Of the $12,942 total food outlet, twenty-two percent was for the purchase of food stamps, and seventy-eight percent was for the purchase of food at a retail outlet. The latter represents the basis for the argument herein presented.

Total amount expended by MAP for direct purchase was $10,103.

Frequency of items purchased by migrants in the basic food classifications were as follows:

Meats	22.0%
Milk Products	12.6%
Cereals	19.8%
Vegetables	17.0%
Fruits	11.6%
Other	17.0%

On the basis of the above study, it can be clearly demonstrated that the percentage of income available for food purchase does effect the basic diet of an individual family. Thus, it can be concluded if a person's income falls below the index of poverty, either less expensive or less nutritious food will have to be purchased or other expenses reduced.

It is notable that when families received emergency food assistance this past summer, they purchased items which they normally cannot afford; particularly meats and fruits. The MAP report concluded; "Health education is important, but families must also be provided with enough assistance to make an adequate diet feasible."[6]

Thus, it can be demonstrated that income, rather than culture is the basic ingredient necessary to assure an adequate diet among migrant workers if the level of malnutrition is to be reduced.

MIGRANT RESEARCH PROJECT

(5)—Migrant Actian Program, Iawa Repart, 1969.

(6)—MAP annual repart, 1969.

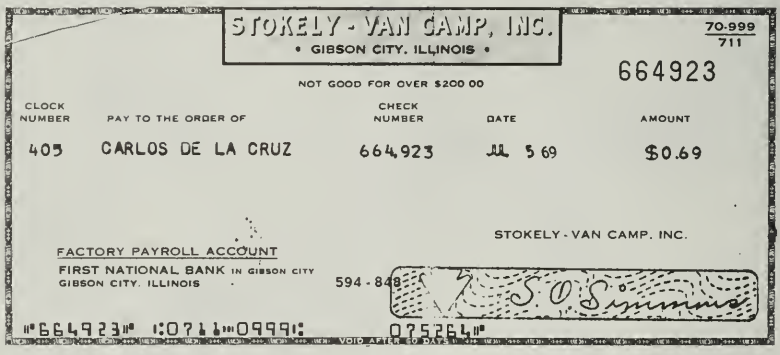
Chapter III

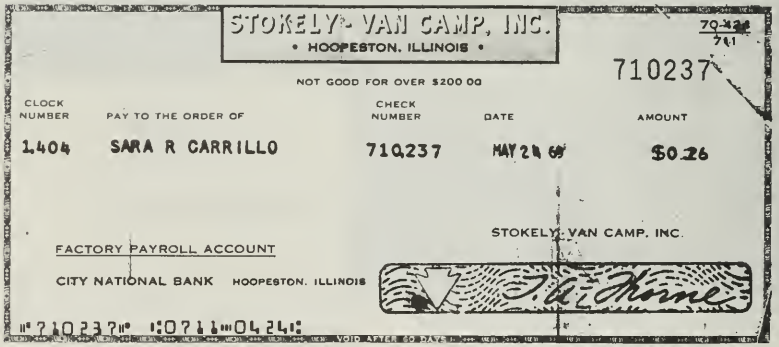
SOURCES OF INCOME: WAGES, BONUS - IMPACT OF MECHANIZATION

If we accept the validity of the necessity of income as the basic ingredient in combating malnutrition and lack of food among migrant workers, it becomes obvious that some method must be employed to raise the income level of those so afflicted. Other necessary functions, e.g. education in areas such as consumer protection, nutrition, preventive medicine, budgeting, etc., can only be effective when income for food purchase (or adequate food itself) is available.

WAGES

Migrant and seasonal farm workers report annual incomes substantially below other members of the nation's work force. Their claims have been upheld and documented by the United States Sub-committee on Migratory Labor which reported the average annual farm wage in 1966 for migratory workers to be $1,046; and astoundingly enough, a drop in annual farm wage


STOKELY - VAN CAMP, INC.
• GIBSON CITY, ILLINOIS •
70-999
711
664923
NOT GOOD FOR OVER $200 00
CLOCK NUMBER
PAY TO THE ORDER OF
CHECK NUMBER
DATE
AMOUNT
405
CARLOS DE LA CRUZ
664923
JUL 5 69
$0.69
STOKELY-VAN CAMP, INC.
FACTORY PAYROLL ACCOUNT
FIRST NATIONAL BANK IN GIBSON CITY
GIBSON CITY, ILLINOIS
594-848
"664923" :0711"0999:
075264"
VOID AFTER 60 DAYS


STOKELY-VAN CAMP, INC.
• HOOPESTON, ILLINOIS •
710237
NOT GOOD FOR OVER $200 00
CLOCK NUMBER
PAY TO THE ORDER OF
CHECK NUMBER
DATE
AMOUNT
1404
SARA R CARRILLO
710237
MAY 24 69
$0.26
STOKELY-VAN CAMP, INC.
FACTORY PAYROLL ACCOUNT
CITY NATIONAL BANK HOOPESTON, ILLINOIS
"710237" :0711"0424:
VOID AFTER 60 DAYS

work in 1967 of $124 to $926 average annual wage.[7] This despite the fact the average daily wage earned rose from $10.80 to $10.85.[8] Those who worked outside of agriculture averaged around $2,100 of which $800 was from farm work.

By 1968, migrants whose activities were restricted to farm work earned only $1,018, still below the 1966 level![9] On the average, migrants earned only $1,562 from all sources in 1968. However, the 43% who obtained both farm and non-farm employment had a considerably higher average—$2,274 of which $1,491 was for non-farm work. The average hourly farm wage rate in July of 1969 was $1.58 (without board or room) which is an increase of only 9% over 1968. The Department of Labor in February of 1970 reported the cost of living rose 6.2% over the previous year.

During this same period of time, the median United States family income was $7,400. **Irregularity of migrant employment is one reason for the low annual wage.**

Negative Income for Migrant Workers

In spite of recent improvements in farm wage rates, which has risen from $1.14 an hour in 1965 to $1.58 an hour in July of 1969, there are still 13 states with average wages below the present federal minimum wage for agriculture. The low of $1 hourly average in South Carolina to over $1.70 in California, Connecticut, Nevada, and Washington must be related to the 120[10] total average number of days worked by those workers who did only farm work. The low average income on the basis of an average 8-hour day would vary from $1,360 to $2,312 as contrasted with the United States mediam income.

According to William H. Jones writing in the Washington Post on November 16, 1969, the median family income in the United States will approach $10,000 next year; an increase of 75% since 1960, but a rise of only 30% after allocation for inflation and taxes. If this same percentage is compared to the 15.6% increase in the migrant workers wage since 1959, it is easy to see the migrant worker is left with a negative income.

Under the Fair Standards Practices Act, farm workers are covered under a minimum wage of $1.30 per hour if the employer utilizes farm workers for a total of at least 500 man hours per quarter. **In 1966, only two percent of the farms using hired help in the United States were covered under this legislation, the rest were exempt from the Federal minimum wage. In 1967 only 35% of the farms were required to pay a minimum wage under the provisions.**[11]

In 1969, the composite hourly wage rate for migrant workers averaged $1.33 per hour; the January 1970 composite hourly rate was $1.50; up 9% from January of 1969.

Those who argue that raising the wage of farm workers will price food out of the market are ignorant of the percentages of the cost of the product through wages—for example, lemons cost 24 cents per pound; field cost are 0.6 to 1 cent per pound. Grapefruit, costing 8 to 10 cents apiece, cost the grower in field labor 2 to 4 cents.[12]

Irregularity of Employment—Need For Legislative Protection

While the above figures show that there was a 15.6% increase in the wages paid migrant farm workers between 1959 and 1968, the monetary gains made by this sector of our Nation's work force can be shown as virtually negligible when evaluated in light of several other factors.

The migrant worker still finds himself victim of an ever tightening availability of work. This is due to several factors. The two most important are irregularity of employment and the increase in mechanization of cropa.

It is important to note that unemployment and irregularity of employment is the chief reason given by migrants for entering the stream. For example, the unemployment rate in January, 1970 in the Laredo, Texas area, was 10.8% of the total work force and was rising. The Texas Employment Commission attributed this "mainly to the continued inflow of migrant workers into the area." They went on to say, "By Mid-March the unemployed total should begin to subside as the outflow of migrant workers returning to their jobs in the north gets underway." **The hardships and lack of income suffered by migrants in the homebase states during the off-season increases the attractiveness and pre-supposed increased earnings in the north during the crop season.** However, the low wages in agriculture are not caused only by unemployment, irregularity of employment, mechanization, or the low-profit margin of individual growers as opposed to the larger employers. **The lack of legislation governing wages and working conditions, plus discriminatory practices cited in this report further diminish wages and the chance for a fair standard of living.**

It is interesting to note that 67% of the number of migrants requiring emergency food assistance under the MHP program in 1969 earned an annual wage of less than $1,500. (See charts **Introduction.**)

The MRP study also shows the largest percentage of migrants traveling in the stream did so in family group sizes of from 5 to 7 members. This was true in every region of the United States. Only in the Eastern region of the country did the project serve families larger than 17 members.

Due to the irregularity of the migrant's employment, it would seem logical that in time of unemployment, he would be covered by unemployment compensation as in all other major job classifications in private industry. Traditional excuses have kept the migrant from this important protection; this results in discriminatory exclusion from the law.

Rate for Sugar Beet Workers

Under the Sugar Beet Act, the Secretary of Labor is directed to set a fair and reasonable rate. He is authorized to make payments on the condition that, among others, all persons employed on the farm in the production, cultivation, or harveating of sugar beets or sugar cane with respect to which an application for payment is made shall have been paid in full for all auch work, and shall have paid wages, therefore, at ratea not less than thoae that may be determined by the

(7)—1969 report of the Sub-Committee on Migratory Labor Report No. 91-83.

(8)—U.S. Department of Labor, Sept. 1967 & 1968.

(9)—Robert C. McElroy "The Hired Form Working Force of 1968" Ag. Econ. Report No. 164.

(10)—U.S. Department of Agriculture, Sept. 1967 & 1968 pp. 53.

(11)—**Hired Farmworkers:** United States Department of Labor, Wage and Hours Public Contracts Divisions, 1968.

(12)—United States Department of Labor.

Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

The regulations for 1968 provided for payment to workers either on a minimum wage rate of $1.50 per hour, or on one of several piece rates per acre as specified for each of five different functions. The $1.50 hourly minimum wage was set for 1968 as a **fair and reasonable wage rate** based on evidence presented at hearings. However, the piece rate alone does not guarantee that all workers receive a fair and reasonable wage. In fact, the piece rate does not assure any minimum hourly rate per man.

In July, the Utah State Employment Service reported to the U.S. Department of Labor on wages of sugar beet workers in various regions of that state. In the South Central sugar beet area, **Utah reported that the average wages of one group of employees working at a piece rate of $11.00 per acre for weeding were $ .92 per hour for each worker. In the same region for the same activity during the same time period those working on a piece rate of $10.75 per acre made $1.67 per hour. The Migrant Research Project has found the piece rate as used by the Secretary of Labor as the sole means of determining fair and reasonable wage rates for employes in certain sugar beet activities to be unsatisfactory.** A piece rate could be maintained if it were combined with an absolute minimum wage below which each worker could not be paid. Whatever the Secretary finds to be a fair and reasonable wage rate for all employees should apply as a minimum to all activities. It is MRP's contention that a piece rate may have no necessary relationship to a fair and reasonable wage rate, and that the piece rate alone is not an adequate standard to ensure that fair and reasonable wages are received by all employees. **Therefore, MRP believes that by using the piece rate as the sole standard for determining fair and reasonable rates for some activities, the Secretary of Labor has not met a necessary condition to payment to growers under the Sugar Beet Act.**

The Act also requires that as a condition to making payment to sugar beet producers, the Secretary shall ensure that a fair and reasonable wage rate is received by all workers. MRP believes this is another condition to payment that has not been met.

BONUSES

As already noted, the earnings of a migrant worker vary greatly due to several factors. During the summer when weather is bad, many famiiles do not break even by the end of the summer; consequently many leave, if they can, in search of better field conditions. Crews that leave the homebase together, do not always stay together throughout the season. Many factors can and do cause the division of the crew.

Since many crops, such as asparagus and tomatoes, are perishable and labor is difficult to recruit during the season, most companies and growers have established a "bonus" system with the intent of making it difficult for the migrant to leave before the end of the crop season without losing a substantial amount of money.

The "bonus" system operates in a number of ways. It may be 1) a deduction from wages withheld until the end of the season; 2) travel advances made at the beginning of the season to help the family with expenses from Texas. These advances need not be repaid at the end of the season if the work has been satisfactorily performed; or 3) based on the amount of work performed. i.e. the asparagus worker receiving a 4 cent bonus for each additional pound over 8,000 pounds.

If the bonus is a deduction from wages earned, but is withheld until the end of the season, it is a "hold-back." This amounts to garnishment of wages. When bonuses have been withheld from wages, it is important to see if the wages paid meet the federal or state minimum wage requirements. Since most migrant workers do not receive paycheck stubs listing wages earned, hours worked, deductions made, this is generally very difficult for the migrant worker to document. Further, when the worker performs the work on a contract basis, it is exceedingly difficult for him to prove that he was not paid the federal or state minimum wage. He must document carefully the hours actually worked, the pounds, bushels, or acres covered, and payment received. This is difficult to do, particularly in sugar beets where the workers are not paid until the end of the season.

Use of Bonus To Retain Labor

Whenever the bonus system is used, the overall intent is to retain labor regardless of working or living conditions. As one company notes of its bonus, "This refund will be made only to those workers who stay and complete the full season, or who are excused by mutual agreement by the crew leader and the company management. The workers must have done a satisfactory job, in that he worked when necessary ,moved from farm to farm with his crew when requested, and did a clean job of snapping (asparagus) . . ." **In some instances, completion of the full season requires that the family remain until late fall working in warehouses or cleaning fields, even when only a few hours of work each day are available.** For migrants, the presence of the "hold-back bonus" which in effect, is garnishment of his earnings not only places him in peonage, but diminishes the available money with which to purchase food or food stamps. Thus, he may be at the peak of his earning capacity, and still be without ready cash with which to provide the necessities of life for his family. This places him in jeopardy when he applies for participation in the foodstamp program, since he must verify his earnings to the welfare office. When he is unable to do this, county welfare officials generally accept telephone verification from the grower instead of self-declaration from the migrant worker. The employer may or may not given accurate information. When a portion of the migrant's earnings are withheld from him, he often does not have the cash to make the necessary purchase even though he may succeed in being certified.

Migrants frequently reported to MRP loss of bonus when disputes developed with the employer regarding field or crop conditions and the wage to be paid. Typical was a family in a mid-west stream state who came to work at the tomato harvest. Altogether, the family had twelve members, and each worker was paid 15 cents for each basket of tomatoes picked. However, 2 cents from each 15 cents earned was withheld as a bonus to be collected at the end of the season. If the working conditions were excellent, the family might be able to pick as many as 90 to 100 baskets per day.

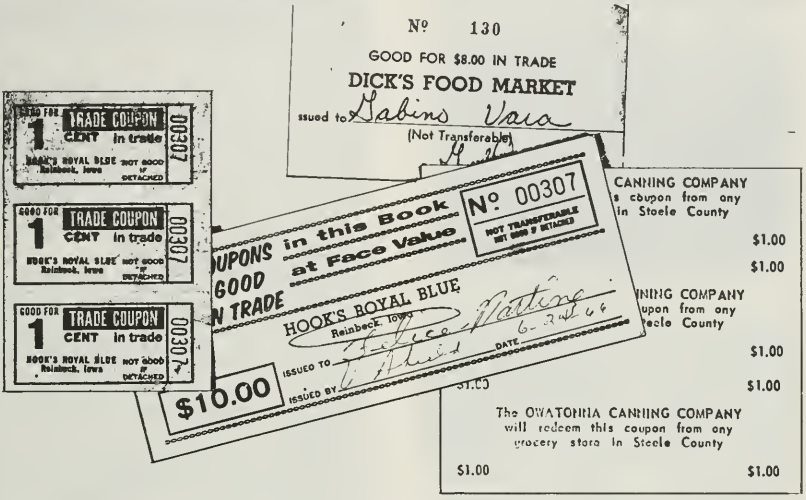
Toward the end of the season, the grower told the migrant to pick the tomatoes in a field where the crop was thin and there were many weeds. The migrant estimated that he would only be able to pick one basket per hour; earning 13 cents per hour for his labor. When he refused to pick the field at the 15 cent rate, the grower presented the family with a one day eviction notice and withheld the "bonus" for failing to remain until the end of the season and performing the work as required!

COUPONS

Many migrants, because of irregular employment due in part to low wages and weather conditions, are provided with advances during the summer by their employer. In general, advances are made for 1) travel from Texas to the field location, 2) food and other purchases when fields cannot be entered because of weather conditions or work is not available, 3) purchases necessary for the performance of the work such as gloves, aprons, and other items needed. Since small growers particularly are not paid by the processor until the end of the season when the harvest is complete, they often arrange credit at local grocery stores for their migrant labor, guaranteeing this to the store owner; or they issue the migrant coupon books which must be redeemed for food items at specified grocery stores. This arrangement is, in effect a method of borrowing operating capital for the grower/employer at the expense of the migrant laborer who cannot afford to finance the interest-free debt of his employer.

This practice also prevents migrants from doing comparative buying, and often subjects them to higher food prices with an income already too low for an adequate diet. It practically assures, they will not have the money to purchase foodstamps and gain the bonus purchasing power of the stamp program.

Two examples from southern Minnesota[13] this past summer illustrates the problem.



Mr. G. earned $232.50 for his work in the fields, but was not paid by his employer. Instead, without his consent, the employer deposited $100 in the local supermarket as credit for food purchases made by Mr. G. Furthermore, the food prices in this particular store were considerably higher than elsewhere for the same items. It was estimated that Mr. G. could have had an additional $25.00 of groceries had he shopped at another store with his $100. The purchase of food stamps, had they been available in this particular county, would have resulted in a considerably higher amount of food items for the family.

Nor are migrants allowed to withdraw the money credited to their account (their earnings as recorded by the grower) or to cash in the coupons, again issued in lieu of earnings or instead of cash payment for work performed. Mrs. V. was advanced coupons at the rate of $8.00 each. She was given a total of six coupons amounting to $48.00. The coupons could be used at only one supermarket specified by the employer. On June 27, 1969, Mrs. V. spent $6.81 of the $8.00 coupon and requested her change. The store manager refused and said they did not give change on coupons. Mrs. V. was then obligated to spend the remaining $1.19 immediately. To further complicate the problem, the Departments of Social Welfare must count these food coupons as income when certifying a migrant for welfare assistance programs, even though the migrant did not have the availability of cash and a choice as to whether or not to purchase food stamps or any other item. As a result, many families do not qualify for food stampa at minimum rates, and do not have the funds with which to purchase the stamps at the rate they are qualified to receive them.

(13)—Migrant Action Program, Iowa—Annual Report, 1969.

MECHANIZATION — A CRISIS SITUATION

For many years, it has seemed apparent that mechanization was having an impact on the number of jobs available for migrant workers in agriculture. Technological advances and American "know-how" has made it possible for fewer workers to produce a greater abundance of foodstuffs than ever before. Small family farms began to be replaced by giant agri-business. Each year, it seemed that migrant farm workers traveled more miles in seach of employment and found fewer jobs. The impact was slow in developing, but always the migrant heard that the "machine" was "almost perfected" and was winning the competition for speed and endurance at less cost to the producer than even his meager piecerate wages.

LETTUCE FIELDS IN WISCONSIN

The Migrant Research Project determined to undertake a very limited sampling to forecast what effect mechanization of crops would have on availability of jobs for the coming year. Projections for the year 1970, in a few selected states where information is available, raises the question of an employment crisis caused by increased mechanization and use of chemicals. The Migrant Research Project staff interviewed grantees, public officials, and migrants to determine what the employment profile for migrant labor would be in the summer of 1970. While our interviewing was on a limited basis, the information obtained is startling and may be summarized as follows:

1) Farmers are doing their own recruitment in greater numbers than ever before
2) Number of available jobs will be less than ever before
3) Growers are placing work orders with the federally funded Farm Labor Service for migrant workers; while at the same time they have machines on hand to perform the same labor
4) Unless remedial steps are taken immediately, more migrant workers will enter the stream this year than in the past several years due to lack of employment in the homebase states.

It seems evident that the hand labor is being recruited strictly as a back-up labor force to mechanization versus weather at the expense of the migrant workers. If the machines prove effective, (and there is no reason to believe they will not) the workers will be unemployed despite the fact they were recruited and traveled hundrds of miles for non-existent jobs.

It must be stressed that the sampling taken was limited, and not based on scientific effort, although an attempt to obtain representation was made. The results of this study can analytically be broken down according to the various states or regions sampled and are summarized as follows:

Washington

It was reported by an Office of Economic Opportunity grantee in one area that the following crops are to be mechanized this year:

a) grapes (32 machines are on hand— each replacing 51 people)
b) hops
c) asparagus

Moreover, in spite of the impending mechanization, the same source reports that the State Employment Service is recruiting hand labor for these crops in the same number as last year.

Michigan

According to a variety of contacts there including those made with the Regional Office of the Federal Labor Service, an Office of Economic Opportunity funded migrant program, the State Employment Service, and an agricultural economist at Michigan State University, 50,000 workers are expected to arrive in the State of Michigan in 1970. Not all of these persons, however, were recruited through the Michigan or federal recruitment system; nevertheless, on the basis of recruitment by farmers and growers, and word-of-mouth transmission of rumored employment opportunities, that number is expected in the State of Michigan.

At the same time, our survey revealed that only a few contracts covering 9,000 jobs had been let. The number of contracts made to Mid-March 1970 must be contrasted with the number made in the year of 1968. In that year, Michigan let 28,000 contracts for the employment of 74,000 migrants. Since MRP information was gathered at a point in time when the normal recruitment process had come to an end, it can be concluded that there is a decline of 65,000 jobs and 27,700 contracts, when contrasted with the recruitment year of 1968. Many of these persons will be without employment, as the same sources indicate that only 15,000 workers will be employed in Michigan in summer 1970.

NOTE: A late check before printing of this report reveals (June 10) the regional office of the U.S. Department of Labor does not anticipate more than 1500 to 2000 surplus workers in the state of Michigan during the summer. They state this will be due to corrective action taken by U.S. Department of Labor since the issuance of the above report.

Colorado

An Office of Economic Opportunity funded project in Colorado informed our personnel that approximately 9000 migrants will come into Colorado this summer. Due to mechanization projections, it is anticipated that the total employment in the state will be reduced, according to these same sources, by 7500 jobs. For example, it was reported that a major crop, sugar beets, will employ only 50 to 60 percent of the workers who were employed the previous year. The reduction in this instance, however, is to be caused by a number of factors: an existing surplus sugar supply, the resultant change in crops from beets to corn, reliance on available local labor sources, and mechanization.

Based on information obtained from Texas, recruitment for this area is generally down approximately 40%.

Iowa

Reinbeck, Iowa, employment is down 30% for the harvesting of asparagus crops and the method of recruitment has been changed. In this instance, recruitment was performed by the processor, rather than recruitment of labor through the State Employment Security Commission as has been the case in the past. The purported reason for the change in the recruitment method was the stepped-up-enforcement of housing regulations by the United States Department of Labor.

Wisconsin

The number of seasonal workers in rural industries declined in Wisconsin from 1968 to 1969 according to the State Employment Service. The number of rural food processing in-plant workers averaged 10,811 in the 1968 and 10,190 in 1969, while plant employed field workers averaged 2,135 per month in 1968 and 1,710 in 1969. Similar drops were reported in other rural work categories.

Mid-Continent

A telephone inquiry to the U.S. Department of Labor Regional Office of the Farm Labor Service revealed the following information on clearance orders:

. CLEARANCE ORDERS FOR INTERSTATE RECRUITMENT

State	Date	No. of orders	Percent change	No. of workers	Percent Change
Michigan	1969, 7/17	68		2,298	
	1970, 7/16	59	-14	3,537	+54
Ohio	1969, 7/18	135		3,753	
	1970, 7/16	189	+40	5,672	+51
Illinois, Indiana	1969, 7/14	166		15,194	
Minnesota, Wisconsin	1970, 7/16	165	-01	12,998	-9

In Michigan and Ohio the tendency is toward more workers per order. The reason for this is not know at this time.

The other four mid-western states show a decline in both the number of workers recruited and the number of orders placed. However, the number of workers recruited seems to be higher than can be employed if the information on mechanization properly reflects the decline in jobs.

Last year gave ample evidence of what happens to the migrants when recruitment is higher than jobs. Unless welfare agencies in the state are prepared to assist the unemployed in a meaningful way, the deprivation of the migrant is horrendous.

NOTE: Just prior to final editing of this report, MRP again checked with the United States Department of Labor, Farm Labor Service, in the Chicago region and learned of remedial steps taken to alleviate the anticipated problems in Michigan and the other mid-Continent states. These were:

1. Establishment of a regional coordinating committee composed of representatives of various agencies including United States Department of Labor; Housing and Urban Development; Agriculture; Transportation; Health, Education, and Welfare to assist states in working with migrants.
2. Worked in cooperation with the Texas State Employment Service to alert migrants not to leave Texas without a definite job placement .
3. Developed a special daily reporting system in each state to determine amount of surplus farm labor available to enable the regional Department of Labor to take corrective action.
4. Encouraged the Governors of each of the states to require the State Departments of Welfare to accept "self-declaration of income" from migrants for certification for food stamps for at least the first thirty day issuance of food stamps.
5. Staff from a United States Department of Labor special research program will be retained to refer migrants to all available welfare programs.

Florida

Mid-March 1970 estimates of unemployment among migrants in Florida was placed at about 24,000 by the indigenous groups and the Office of Economic Opportunity funded migrant projects. Leaders of the indigenous groups interviewed by MRP staff indicated that when work was available, it was for a few hours per day, and only for two or three days per week.

Reports from state officials centered on the difficulty of recruiting labor for these short-term, part-day jobs and not on the problem of unemployment migrants faced. As a result, conflicting information, one group stating a labor shortage, the other a labor surplus was released. Therefore, no planning was done to either determine the extent of the problem nor to attempt solutions.

Mechanization and weather have reduced the man-hours and man-days required to harvest the crop. For the migrant, who is accustomed to and needs several weeks of work in the winter and spring in the homebase area, steady jobs are difficult to obtain. To the Employment Service recruiting for short term field jobs, available jobs are not being filled. This is caused in part because the migrant looks for the better job, and partly because the offered work site is often so far from his home that he must leave his family in order to accept the job. It is also difficult and expensive for him to maintain two homes. Additionally, he is often unskilled in the crop for which he is recruited and transportation may be a problem.

As a result of this conflicting information or perhaps perspectives — i.e. one report emphasizing that a job shortage existed whereas another group argued that, in reality, a labor surplus existed and was under-utilized— conflicting information is available to the public and regulatory agencies concerned with the affairs of migrants. For the State Employment Service, attempting to fill "hard-to-place" jobs, there was a labor shortage. Their solution to the problem was to recruit outside labor from other states.

Texas

Mid-March contact with indigenous groups residing in the Rio Grande Valley, indicated that only 12% to 15% of the migrants in the area were working at the time of the interview. Of these workers, 70% were working a 40-hour week, 30% a 20-hour week. Approximately 67,000 persons were unemployed at the time of our contact. Leaders of indigenous groups indicated that more migrants than ever before would enter the stream in the summer of 1970.

New York

The Migrant Research Project grantee reports they are expecting a crisis situation in June, 1970 with an over-flux of migrants coming up from the south. There will be fewer jobs available due to greater mechanization, especially in potatoes. They also report an over-recruitment for the coming summer.

Other Data Gathered by MRP

In the course of distributing emergency food and medical monies in the home-based states of Florida and Texas when migrants were in the area, other information was obtained—**information which corroborates our view that an employment and hunger crises will develop during the summer of 1970.** MRP spent funds at the rate of $2,000 to $4,000 per day feeding people over a seven-day period. During the period when the migrants were in the above two homebase areas, the amount of money disbursed to individuals ranged from 20 cents to $1.00 per day per person.

Based upon food monies disbursed and information gathered in the informal contacts and survey efforts described above, it is the **Migrant Research Project staff's conclusion that mechanization has had and will have a serious impact on the number of jobs available in 1970 in both the homebase states and in the stream states.** In addition, contacts with leaders of indigenous groups in both homebase states of Texas and Florida indicate that even more migrants than in previous years will enter into the migrant stream this year, and that fewer jobs will be made available to them. The chaotic state of the market for migratory labor becomes self-evident. In addition, if poor weather or mechanization at the anticipated increased rate further upsets, an already chaotic labor market, the problems facing migrant laborers will be intensified manyfold. In effect, they will be forced to rely upon outside assistance to maintain their families while residing in the stream states. Moreover, in many instances, their meager earnings will not provide them with sufficient monies to return with their families to the homebase state where they reside. Even if they have sufficient funds to finance the trip home, the money saved will be insufficient to maintain the families during the winter months when will enter the migrant stream this year, and that limited work is available in those homebase states. **The result anticipated is employment chaos and hunger of a dimension previously unknown in both homebase states and stream states impacted by migrants who either will be underemployed or unemployed during many months of this calendar year.**

Chapter IV

HOUSING: A FRINGE BENEFIT OF EMPLOYMENT

Migrant housing has long been a problem to migrant and employer alike. During the recruitment of migrants in Texas, workers are generally assured that the provision of clean, decent, and sanitary housing will be provided as a fringe benefit of the employment. Some migrants reported they were shown pictures of housing at the time of recruitment which simply failed to materialize when they reached the work site. Operating on the debt economy of migrancy and forced to borrow against future earnings, seldom are funds available to move on to search for other work sites where living conditions are better.

Low-cost housing in both the homebase and stream states is simply a myth. The Migrant Research Project during 1969 conducted an intense survey of migrant housing in the stream state of Michigan. The results of this study are available as a seperate publication and may be obtained from the Migrant Research Project. The study is synopsized in Part IV of this report, and is typical of migrant housing found in all areas of the country.

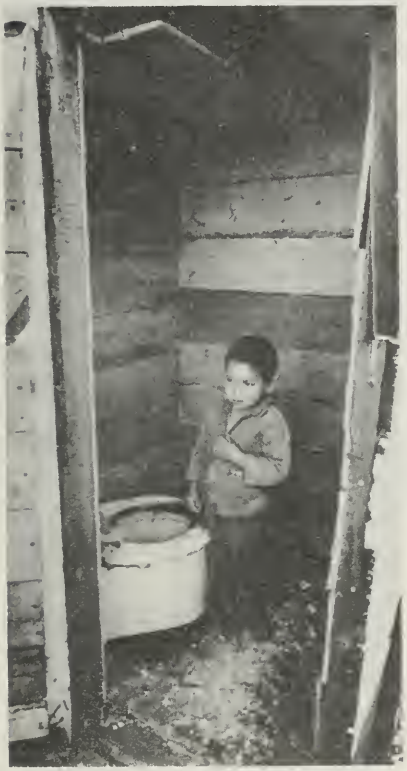
In addition to the Michigan study, MRP conducted a field inspection of migrant housing in Florida and spoke to migrant workers in Glades County. Migrant workers

PROVISION OF HEAT

LAUNDRY ROOM

atill occupy housing that was constructed by the United States Government during the 1930's as temporary units. The cabins are small, with poor venilation, and are constructed on stilts, since the soil is of high nitrogen content and easily evporates leaving the cabins awry. The conditions in these camps which atill segregate anglos, blacks, and Mexican-Americans are deplorable.

The Glades Citizen's Association reported that Pahokee Housing Authority had complete control as to who occupied the housing. As bad as it was, it was the only housing available. New construction was underway in the area; however, it appeared the new cement block structures were being constructed below ground level and that spring rains would be a problem.



From—"CHILD OF HOPE"
Stewart and Sandage
A. S. Barnes, New York, 1968

The report of the Glades Citizen's indicated that the camp, occupied by Mexican/Americans, was determined by the Pahokee Housing Authority to be unlivable and was therefore condemned. Occupants were notified they must vacate the premises. Since no other housing was available, many of the Mexican/American occupants were forced to enter the migrant stream and move up north where labor was already in over-abundance due to mechanization in Michigan, and poor weather in other areas. After the camp had been vacated by the Mexican/Americans, anglo families were allowed to occupy the units. The only explanation offered by the Glades Citizen's Association was that the residents of the old camps were to be resettled into the new units upon their completion!

Report on Housing Conditions in Migrant Labor Camps in Minnesota, 1969

During the summer of 1969, Migrant Research Project, in cooperation with the Migrant Action Program of Iowa, conducted a survey of migrant housing in Southern Minnesota. The survey was confined to a small area, but the MAP agency indicated they believed the results were typical of other areas in Minnesota as well. The results of this survey are as follows:

"Housing and sanitation regulations covering conditions in migrant labor camps have been in effect in Minnesota since 1951 and were recently improved in 1968. The regulations are generally somewhat more comprehensive than those set forth by the federal government which apply to camps where workers are recruited through the Employment Security Commission.

Yet, not unlike many other regulatory agencies, the environmental sanitation division of the Minnesota Health Department has been slow in enforcing the provisions of the law. The Department claims that, "As in past years, each camp will be inspected by area sanitation inspectors, employed for approximately 13 weeks during the summer, and supervised by a full-time public health sanitarian. Camp ratings will depend upon the degree of hazard to health and safety. If corrections are not made, the camp permit will be revoked." If a permit is issued, it should be posted "in a conspicuous place in the camp" along with a copy of the housing regulations.

The staff of MAP conducted a survey of nine migrant camps in southern Minnesota to determine if the camps did meet the state's regulations. All of the camps were occupied at the time of the survey, and not one of the nine had a permit posted. Nor had any of the occupants seen an inspector during their stay in the camps.

All of the camps had a large number of violations of the housing regulations, many of which directly threatened the health and safety of the camp occupants. Three wells were suspect since the water was discolored and had a strong odor. In each case, the occupants boiled it before use. But while boiling may kill dangerous bacteria, it only further concentrates nitrates in the water; and an overly high concentration of nitrates can be extremely dangerous for nursing mothers causing Nitrate Cyanosis or Methemo globinemia(blue babies). In addition, more than half of the camps inspected fell far short of the regulations in the provision of bathing facilities and an adequate supply of hot and cold running water. (See Table I.)

As Table II indicates, the major violations were in site standards, toilet facilities, laundry, and washing, bathing facilities, and refuse disposal. Apart from the water supply, these are the areas which most directly concern the health and safety of migrant workers. On the average, the nine camps inspected violated 46% of the standards outlined in Table I, and not all of the regulations were included. Some of the standards were excluded either because of insufficient data or the lack of necessary technical knowledge as when inspecting sewerage treatment facilities.

TABLE I

NUMBER AND PERCENTAGE OF CODE VIOLATIONS IN HOUSES OCCUPIED BY MIGRANT WORKERS IN MINNESOTA, 1969

Housing Standards *	Violations	
	Number	Percent
Site Standards		
Sites shall be adequately drained	6	67 %
Grounds and open areas surrounding the shelters shall be in a clean and sanitary condition	6	67
All camps shall provide a space for recreation	0	0
Shelter Standards		
Roof leaks	3	33 %
Walls leak	0	0
Floor unsafe	1	11
Wooden floor not smooth and of tight construction	5	56
Floor gathers water	2	22
Windows need replacing or repairing	3	33
Doors are not solid and need repairing	2	22
Exterior openings not effectively screened	3	33
Lack of food storage shelves and work counter	0	0
Not enough tables and chairs for the family	5	56
Water Supply		
An adequate water supply for drinking, cooking, bathing, and laundry purposes shall be provided	0	0 %
Each water supply shall be inspected regularly	9	100
Water unsafe for drinking	3	33
Cold water tap shall be available within 100 ft. of each living unit when not inside	3	33
Soils should prevent pollution	0	0
Toilet Facilities		
There should be at least a ratio of one unit for each twelve persons	1	11 %
Separate facilities for men and women	6	67
Facilities should be lighted at night	8	89
Toilet paper should be provided	5	55
Privies should be fly-tight	5	55
Privies shall be located 50 ft. or further from any living unit	2	22
Laundry, Handwashing, Bathing Facilities		
Bathing and handwashing facilities shall be provided for use of all occupants	6	67 %
Adequate supply of hot and cold running water	5	56
There should be one shower head for every fifteen persons	6	67
Separate facilities for men and women	6	67
One laundry tub for every twenty-five persons	4	45
Lighting Requirements		
All shelters shall be provided with electric service	2	22 %
Adequate lighting for yard area and pathways to common use facilities	6	67
All wiring and lighting fixtures should be maintained in a safe condition	0	0
Each habitable area shall have at least one wall-type electric convenience outlet	4	45
Refuse Disposal		
Durable, fly-tight containers of a minimum of twenty gallons capacity shall be provided	8	89 %
Provisions shall be made for the collection of refuse at least twice per week	7	78
Safety and Fire Prevention		
First aid facilities shall be provided and readily accessible at all times	9	100 %
Units of approved fire-extinguishing equipment shall be provided	7	78

* Not all of the standards set forth in the legislation are included in the Table since either information was not available or inspections required technical knowledge, as with sewerage disposal facilities and nitrate content in drinking water.

The conclusions of this report are in agreement with a recent survey conducted by the St. Paul Pioneer Press. The newspaper survey found that "very few camps have showers, and bathtubs are nearly nonexistent. Most toilet facilities consist of outdoor privies, many in violation of state health codes. Furthermore, of 109 wells checked last summer by one inspector, 106 were in violation of the health regulations. Together, these conditions indicate the need for far better enforcement of the present housing standards in Minnesota.

TABLE II

AVERAGE NUMBER OF VIOLATIONS PER MIGRANT CAMP IN MINNESOTA, 1969

Housing Standards	Total Possible Violations	Average Number of Violations	Ratio of Possible to Actual Violations
Site Standards	3	1.9	70
Shelter Standards	10	2.7	30
Water Supply	4	.7	19
Toilet Facilities	6	3.4	66
Laundry, Handwashing, Bathing Facilities	5	3.0	67
Lighting Requirements	4	1.2	31
Refuse Disposal	2	1.4	80
Safety and Fire Prevention	2	.7	37
Total . . .	36	15.1	46

* Table based on standards cited in Table I and does not include all of the requirements of the housing law but only those for which sufficient data exists from current inspections conducted by MAP. The ratio of possible violations to actual violations is an indication of the prevalence of violations. Thus, on the average camps violated 46% of the standards cited in Table I.

In addition, an article in Minnesota's Health on May 15, 1969, noted that, "Since the new health department regulations conform to the revised United States Department of Labor housing standards, state health department personnel will make inspections for both agencies this year to avoid duplication of services." Normally, the Labor Department would make inspections of camps where the camp operator recruits workers through the State Employment Security Commission. Several of the camps inspected were occupied by workers recruited in this manner. **Yet, as the data indicates, the camps were in gross violation of both Federal and State housing standards. The existence of these conditions raises serious questions about the decision of the Labor Department to delegate inspection responsibilities to the Minnesota Department of Health.**

Special Texas Employment Commission Project

In the summer of 1969, for the first time, the Texas Employment Commission in cooperation with the Minnesota Employment Security Commission and other agencies initiated the "Experimental and Demonstration Interstate Program for South Texas Migrant Workers." The program set forth two major objectives. First, it was designed to demonstrate whether or not Texas, the northern demand states, and the federal government, working in cooperation with one another, could provide the migrant families with the services needed while traveling in the migrant stream. These services were to include assistance in job placement, housing, health, and welfare services, and basic education. Secondly, the project was designed to provide the remedial and/or skill training needed to facilitate the transition of the migrant farm workers into other types of employment for that time when seasonal farm jobs no longer exist. The underlying premise of the program was that the declining demand for seasonal farm workers would eventually leave Texas burdened with a large untrained work force for which no jobs exist.

Twenty-five families were selected as participants in the program who came to Southern Minnesota to work. For these families there were few benefits. Working conditions and total earnings were extremely low this past summer due to weather conditions; and as this report demonstrates, much of the housing occupied by these families was substandard. Little was done to counsel families on job opportunities, health and welfare services, or educational services. In sum, the project did little to change the basic living and working conditions experienced by migrant workers in southern Minnesota.

Waiting For Food Stamps, Immokalee, Florida

PART II

Chapter V

ADMINISTRATIVE BARRIERS TO WELFARE

The United States of America, in the past decade, set out to abolish poverty among its citizenry. As a nation, we decreed it against our policy and against our own best interest to have 13% of our population ill-housed, ill-fed, ill-educated, and in ill-health.

To achieve our goal, we explored new ideas, examined programs of the past, and launched our campaign through legislation, education, and litigation to bring relief to the vast numbers of people not participating in our affluence.

Legislation such as the Civil Rights Act, the Economic Opportunity Act, the Amendments to the Fair Labor Standards Act, and the Food Stamp Act, were passed.

Education programs were launched to have segments of the population who possessed "know-how", teach those of us who needed such knowledge and skills. Citizens were educated to give knowledge and to accept training. Government, labor, management, social, and civic groups were asked to bring their expertise to the problems. Citizens were asked to participate to the fullest.

Court cases were brought to question the validity and practice of administrative procedures for enforcing laws already in existence. Some of the questions raised were: Can a state withhold welfare benefits from a person who has not resided in that state for a specific period of time? Can a state terminate welfare benefits to a person without first holding a hearing to determine whether there are mitigating reasons against termination? Other questions were and will be asked.

Special Study of Food Distributed to Migrants in 18 Counties

Federal funding agencies with the responsibility of carrying out federal programs through regional, state, and local agencies are presented with almost insurmountable problems. Congressional intent determined both by legislative language and legislative discussion may not be clear, and may require court interpretation.

For example, the purpose of the Food Stamp Act is to guarantee that ".... .the nation's abundance of food should be utilized cooperatively by the states, the Federal government, and local government units to the maximum extent practicable to safeguard the health and well-being of the nation's population and raise the levels of nutrition among low-income households....." The food stamp program may only be inaugurated "at the request of an appropriate state agency" which shall "submit for approval a plan of operation specifying the manner in which such program will be conducted within the State (and) the political subdivision within the State."

In the early winter of 1969, the Migrant Research Project made a comparative study of food distributed in 18 counties of ten states which are heavily populated by migrants during given times of each year. The purpose of the survey was to determine to what degree migrants share in food programs either during the work season or during the winter season. Based on information previously gathered, it was obvious that the currently administered food programs were not reaching a high percentage of the migrant population.

The selection of states in the study included those with the greatest migrant populations, either "home based" or migrating into the state to assist in seasonal agricultural work. The counties were selected for this study based on the size of the migrant population, but only included those where a food stamp or food commodity distribution program was in effect during 1968.

Figures for determining migrant populations in the counties selected were as listed in the **1969 Report of the Senate Subcommittee on Migratory Labor.** Monthly reports of the United States Department of Agriculture Consumer and Marketing Services, **Food Assistance Programs**, were used as the source of information on the average number of persons assisted per month over the designated period. The purpose of the dual period analysis was to compare the level of participation in food assistance programs during those periods of time when migrant workers impacted the area to other periods of the year when there were few or no migrants in the county.

Florida and Texas were used for the home-base states. Colorado, Illinois, Indiana, Michigan, Ohio, Oregon, Washington, and Wisconsin were used as the "in stream" states.

Of the ten states studied, Texas, Michigan, and Wisconsin showed an increase in the average number of persons assisted in a month when migrants were present. In Texas, less than 16% of the migrants in the counties studied were served with public food assistance programs in the month studied. However, migrants fared better in Texas than in any of the other stream states. In Michigan, less than 2% of the migrants in any county studied were included in county food programs; in Wisconsin less than .001% were included. **In the other states, fewer people were fed during the peak season than at other times of the year! Therefore, we can make the assumption that few or no migrants participated in public food programs in these states.**

Follow-up studies were done in each of the studied states during the course of the year. The purpose was to determine how and why migrants, who are among the lowest paid of all United States citizens, were not participating in food programs.

Our study of selected state plans, and the implementation of such plans, show all too clearly that migratory agricultural workers were not considered or planned for in the development of state plans approved by the United States Department of Agriculture.

This Government agency, through its tremendous resources, has available to it information on: a) the rate of mechanization in agriculture, b) knowledge as to the timing of the harvest, c) knowledge as to long-range weather predictions, d) knowledge as to projected skills needed in agricultural work, e) knowledge as to the number of workers needed now and in the future, etc. Much of this information through U.S.D.A.'s research

funds is made available to growers and growers' associations. None of it, seemingly, is made available to assist migrant agricultural workers. Were this information brought to bear in studying and approving state plans for the distribution of food, most of the problems migrants face in participating in such programs would be eliminated. It is ironic that the migrant agricultural worker cannot receive from the Department of Agriculture sufficient concern to allow him to assist in harvesting food for the world.

Lack of Planning by Department of Agriculture

A serious obstacle to significant migrant participation in the federal food programs relates to the data relied upon by U.S.D.A. in formulating and evaluating its food programs. Based upon discussions between MRP staff members and U.S.D.A. officials in charge of administering the federal food programs, the following seems clear:

1) U.S.D.A. food officials do not consider nor do they rely upon information collected by other branches of U.S.D.A. where it concerns matters directly affecting the hunger and nutritional needs of migrants. (An example would be the availability of work to the migrants due to weather and crop conditions or the increasing use of mechanization, even though such information is made available to the migrants' employer.)
2) policy-making officials do not require tabulations or studies of migrant participation in federal food programs in spite of the availability of such information under the record keeping and reporting requirements of relevant acts.
3) the statistical data gathered through the United States Bureau of the Census and relied upon U.S.D.A. to make policy decisions is inadequate because the base of the sample used contains less than 50,000 persons, nor does the data set forth include a detailed breakdown within the category of "Mixed Farm Working Force" of days worked and wages earned on farm **and** non-farm employment. The 1970 census offers little prospect of a clearer profile of the special characteristics of migrants as a population group. The decennial census, including the 1970 survey presently underway, is not structured to differentiate between migrants and all other farm workers. In fact, it would be impossible to do so since Government agencies have failed to agree upon a definition of a "migrant agricultural worker." U.S. Department of Labor, The U.S. Department of Agriculture, the U.S. Department of Health, Education, and Welfare, and the Office of Economic Opportunity have developed independent definitions of eligibility for their various programs with respect to a "migrant." At times, there have been conflicting definitions developed for programs within a Department. As a result, the "migrant worker" is a "migrant worker" for one program, but, at the same time, may not be a "migrant worker" for another government program.

Even assuming that better data collection methods were employed by U.S.D.A., there are other institutionalized impediments to an effective evaluation of migrant participation in food programs. There is no systematic collection of information on an annual basis (e.g., a yearly updating of the decennial survey) with suitable detail to enable planning, execution, and assessment of existing programs or the tailoring of programs to meet the nutritional, employment, and other needs of migrants. **In short, there is a need to build into the data collection process the utilization of social indicators — a form of social accounting — to guarantee that the actual conditions under which migrants live are recorded and to measure the changes in those conditions over a period of time.**

Furthermore, since more than one department of the federal government is charged with responsibility for alleviating the migrants plight, **there is a need to create, an interdepartmental council to oversee and integrate on a coordinated basis an effort to redress some of the current and easily anticipated problems that beset the migrant** — e.g., his health and nutritional needs, displacement by mechanization and generally uncertain employment opportunities, and substandard housing conditions — to name only a few of the ills capable of immediate interdepartmental action.

Under the existing circumstances, it is submitted that the Secretary of Agriculture has a clear legal duty to develop programs in 1970 to increase substantially migrant access to, and participation in, federal food stamp and commodity distribution programs. It is clear that the Secretary of Agriculture possesses sufficient discretion to take positive steps by regulation or formal instruction to abate significantly the hunger and nutritional crises facing the many migrants in our country today under either the food stamp or commodities distribution statutes.

FOOD STAMPS

Migrants generally arrive to harvest crops well in advance of the season and need food to survive. Barriers which made it impossible for food stamp participation by migrant and seasonal agricultural workers served by the Migrant Research Project last year can be catagorized as follows:

(1) both home-base counties and stream-state counties are not prepared to service people other than local residents
(2) extensive documentation is required of non-residents both for certification and for the establishment of hardship deductions in income computation
(3) requirements vary from county to county
(4) food-stamp out-reach workers assigned to farm areas and migrant camps are practically non-existent
(5) office hours vary from a few hours per week or a few days per month to more reasonable hours
(6) food-stamp sales may be delegated to banks or other financial institutions, keeping banking hours
(7) emergency hours during the evening, weekends, or holidays are practically unknown
(8) income verification for a worker who has many employers and rarely receives pay stubs is almost impossible; an alternative would be the Declaration Process now being used by several states in their assistance programs
(9) resources, such as work-related resources, e.g., a car or truck disqualifies a person from participation in food programs in many areas of the nation
(10) residency may be the cause of ineligibility for food stamps since U.S.D.A. guidelines do not specifically rule it out

(11) there is no formal and effective complaint procedure to report failure to comply with a state plan

(12) certification and eligibility standards do not take into consideration persons having no income or irregular income

(13) practice of selling food stamps only once a month and not allowing for purchase at less than the full month at a time, eliminates migrants and others with sporadic income

(14) independent of its effect on the continued participation requirement, of "lump sum purchase" requirement works particular hardship on migrants who have no steady source of income.

COMMODITY DISTRIBUTION

Commodity Distribution programs present many of the same barriers to migrants who wish to participate in this type of food program. Surveys and reports we have studied indicate that:

(1) food distribution points are at inconvenient locations;

(2) there is a consistent failure on the part of U.S.-D.A. to allow O.E.O. grantees, indigeneous groups or others to administer the programs;

(3) rigidity in administration of the programs as to dates, place, and time of distribution, as well as places of certification and recertification, eliminate migrants from participating in the program;

(4) income certification procedures force migrants to verify matters not possible; simplified affidavit of certification could be substituted;

(5) general lack of uniformity in rules and practices relating to certification due to absolute responsibility for making decisions at the local level; simple delay in certification disqualifies a migrant who has to move on, or may have work in the interim. There is often up to 1 month's delay between certification and distribution;

(6) income and liquid assets allowable varies from county to county and in some instances, seemingly, from person to person;

(7) too frequently, county agencies make no provisions for people who cannot communicate in English;

(8) transportation is a major problem for migrants who must travel many miles to a distribution center—(one county welfare director suggested in an interview with MRP staff that if the migrant had transportation money to go the 70 miles round-trip to the center, he had enough money not to qualify for funds);

(9) lack of a refrigerator in which to store perishables, prohibits migrants from participating in the program;

(11) food available is not consistent with the cultural and eating practices of migrants—if the migrant worker suggests that some food items will not be welcomed, he may be told that he isn't hungry and, therefore, doesn't need the food;

(12) lack of education programs as to value of and preparation of foods available;

(13) lack of available foods in many counties.

SCHOOL LUNCH

School lunch programs in stream states also are programmed for resident children and rarely have sufficient funds available to provide for migrant children who come into the stream states in the spring of the year. Frequently, migrant children enter an affluent community and enroll in a school which had no need for a school lunch program for resident children. **Under current regulations, budgets for school lunch programs must be geared to a fiscal year basis and not to a quarterly basis which would allow the school to accomodate the very special and seasonal needs which accompany the impact of migrants.** As a result, migrant children do without lunch at school or use emergency food money supplied by O.E.O. in order to eat.

Welfare and Health

The exclusion of migrants from welfare programs may stem most immediately from the indifference of local welfare administrators. However, it also flows from restrictive legislation and budgeting at the federal and state levels.

Based on income, almost all of the migrants served through the Migrant Research Project, are eligible for welfare. The major reason they do not receive categorical assistance is because the father resides with the family. In stream states they are denied assistance—even on an emergency basis—because of residency requirements. In most counties, if a dire emergency exists, the county will provide the cheapest, immediate public transportation to the homebase, but will not provide emergency assistance. This seems to be true even in states where the state office will reimburse the county up to 100% of emergency costs at the end of the year.

Health care for migrants is virtually unknown except through migrant health clinics. The services from the clinics are limited, primarily to immediate and minor illnesses and referrals. Limited funds are available for hospitalization in some areas. More clinics and hospitalization could have been available through this program had state health departments considered health care of migrants more important than camp inspections.

Illnesses such as birth defects, drug addiction, alcoholism, and mental health problems are fundamentally ignored by health programs. In counties where funds are available to provide free health care at state hospitals, welfare directors save their allocation for permanent residents.

Budgeting for hospital care, under the Migrant Health Act, is based on 60% of hospital operating costs as determined by audits performed hy federal accountants to determine allowable costs under Medicare. Medicare audits do not admit charity costs as hospital operating costs. Bad debts, however, are admitted as operating costs. Under this regulation, if a hospital provides charity to patients, up to 20% of its operating costs, Medicare payments are set at 80% of cost. The Migrant Health Act funds are then limited to 60% of the allowable 80%, or approximately 48% of the migrant patient's costs. This means that the hospital, in this instance, must assume 52% of the cost for each migrant patient. If a hospital is to serve migrants under these conditions, they must absorb the greater percent of the cost; or must refuse charity patients and force bona fide charity patients into the position of refusing hospital care or acquiring debts impossible for them to pay.

PART III

Chapter VI

NEGOTIATION FOR CHANGE

Lack of residency either in the homebase or in the stream states has complicated easy solutions to the common problems that plague migrancy. Low wages, lack of decent housing, lack of organization, child labor, language deficiencies, etc., are only results of the vocation the migrant pursues and his lack of coverage under the laws governing the laboring forces of the nation.

Efforts to gain inclusion under these laws have not been fruitful. In recent years, many organizations have attempted to provide support for coverage of agricultural workers under the National Labor Relations Act. Without a political constituency of his own, the migrant worker has been unable to negate the powerful lobbying forces of the industry which employs him. Not only does the migrant lack voting power in his homebase areas, he has not had the benefit of being the responsibility of any particular department of the federal government. Recognized by the White House Conference on Food, Nutrition, and Health as being a special responsibility of the United States government, this responsibility has not, as yet, been recognized and dealt with in an affirmative manner, by the Congress of the United States. Our research has shown that the migrant worker and agriculture have a vested interest in the well-being heavily weighted the equation in favor of the agriculture industry by the creation of the Department of Agriculture and the many services available to the growers and processors. Consideration must be given to extending these services to the laboring force of agriculture and accepting the responsibility for its well-being. People are surely as important as crops. Lack of voting power and success in passage of legislation which could alter the pattern of existence for migrants by improving the living and working conditions, has resulted in other means for redress of grievances being sought by migrant workers and by those concerned with his plight.

The Migrant Research Project has attacked the problem in three ways; through the courts, through testimony before Congressional Committees, and through participation in the structure of the White House Conference on Food, Nutrition, and Health.

In addition, a major effort of MRP has been to enter into negotiation at the Federal level with various departments of government, to interpret to them problems and difficulties encountered by migrant workers in participating in various Federal programs and receiv- of each other. It would appear that the country has ing benefit from them. As reported in Part II of this report, one of the major problems in purchasing food stamps was the inability of county welfare offices to verify income or the practice of counting the value of food purchased by MRP grantees as income used in determining eligibility of migrants to participate in the program. It should be noted county welfare officials had authority, had they wished to use it, to certify hungry migrants for food assistance for the first 30 day period upon application without waiting for the income to be verified.

Upon request by MRP the food stamp office of the United States Department of Agriculture was helpful in interpreting the regulations governing O.E.O. funded assistance to the state welfare agencies. Additionally, MRP was able to work with the National School Lunch Program to extend this program to cover many more migrant children.

Since change through legislative and administrative process is recognizably slow, the Migrant Research Project has also served as co-counsel and provided legal research in several court cases which if successfully concluded will cause change to occur in both administrative processes and within the peonage of migrancy itself.

Change Through The Courts

Acting of-counsel with the Colorado Rural Legal Services, MRP has filed two companion cases in Colorado challenging two provisions of the Sugar Act of 1948. The Act, among other things, controls the wage rates of workers in the sugar industry. It applies not only to picking rates, but also wage scales for such work as weeding and raking. The cases challenge provisions setting up boards to settle wage disputes between the workers and the growers. These boards, set up under authority given to the Secretary of Agriculture, consist of growers in the area of the board's jurisdiction. Migrants are not represented on the boards. The challenge is based on the general principle that one party in a dispute, or those closely related and with identical interests, should not also be the judge of that dispute.

The second case deals with payment of wages through crew leaders. The Sugar Act requires direct payment to the workers by the grower employers unless the migrant signs a permission slip that designates otherwise. In this case the grower practice is to pay the crew chief who is supposed to pay the worker. This suit is based on the premise that the crew leader has opportunity and alledgedly does retain a portion of the pay for his personal use and that the migrant has nothing to say about whether or not he gets paid directly. This is felt to be a violation of the intent of the law.

Access to Property Issue

Another legal issue where MRP has acted as co-counsel on behalf of a migrant plaintiff is in Iowa. Migrants throughout the nation are often denied the right to determine freely who will visit them in their migrant camp homes. This case is a freedom of access issue and is based on the fourteenth amendment to the constiution which allows for the right to peacefully assemble and enjoy freedom of speech. The issue is expected to first be heard in Federal court during June of 1970. A successful ruling could be important for migrants everywhere.

Access to the courts is an important tool for migrants in all areas of grievance. Justice is often denied by the discriminatory practice of the exemption of agricultural workers from laws which govern wages, working conditions, health, and safety. Favorable court rulings will be important in altering the legislation which currently insure these exclusions.

Suit Under Fair Labor Standards Act

In New Bern, North Carolina, the Migrant Research Project was asked by local officials and migrant farm workers in the area to extend both emergency food service and legal research to a group of seasonal agricultural workers who, because of very low wages and alledged brutality of crew chiefs, began a strike in Craven and two adjoining counties against a blueberry grower.

The emergency food assistance was provided by the Migrant Service Center Project since the Migrant Research funds were too limited at that time. This money was particularly critical since it had the effect of allowing both sides a "cooling off" period during which time Duke University was able to arrange for investigators to determine the fairness and accuracies of the charges.

The leaders of the strike were arrested and Duke University, with assistance of the Migrant Research Project, filed action in August of 1969 to obtain for the blueberry pickers, minimum wage coverage under the Fair Labor Standards Act. In 1967 this Act, for the first time, included wage coverage for agricultural workers.

There are at least two side results of the strike and subsequent court case. The first is a season case based upon Title VII of the Civil Rights Act of 1964. In this action, it is alledged that the merchants in the area refuse to hire blacks in industry, thereby forcing them either to remain field workers or migrate from the area. This trend to out-migration of males results in the agricultural industry relying heavily upon black women and children for their low-paid work force.

The second result of the suit is the improved wages and working conditions in the cotton and tobacco crops. Avoidance of additional strikes and possibility of additional minimum wage suits was, no doubt, the impetus for this improvement.

During the course of project involvement, Migrant Research Project contacted the Department of Justice, Civil Rights Commission, Migrant Service Center, Wage and Hour Division, Department of Labor (Raliegh, North Carolina), Senate Subcommittee on Migratory Labor, church leaders, Duke Legal Aid Clinic, and the lawyer for several persons arrested in the incident to insure coordination.

Testimony Before Congressional Committees

Several times in the past year, the Migrant Research Project staff has been requested by Congressional Committees to present testimony relative to the finding of the project in working with and interviewing migrants on a one-to-one basis.

Testimony before the House Committee on Education and Labor, (Perkins Committee) centered mainly on demographic information and more importantly the administrative barriers to participation in existing fund and welfare programs which deter migrant participation. Attention was called to the conditions which exist as a result of the number and realm of decisions left up to the discretion of county officials and case workers. The limitation arbitrarily placed on the number of times a needy family in poverty can apply for and receive food assistance and the impossibility of the certification processes here pointed up as failures of governmental agencies to impartially administer programs for the welfare of all citizens. Additionally, the Migrant Migrant Research Project staff's testimony presented facts on the inadequacy of the food stamp program to provide even the minimum basic diet as set forth by the U.S.D.A. Without additional income with which to purchase additional food, malnutrition and starvation is produced by reliance strictly on government food programs for subsistence.

The Migrant Research Project staff's testimony before the Perkins Committee also pointed up the inadequacy of medical services for migrants and the need for major revisions in the Medicaid program to prohibit states from imposing residency requirements of any kind for participation in the program. In Texas, for example, only persons already categorized as "needy" under the Social Security program are eligible for Medicaid. Texas as does some of the other states has no category for "medically needy which c ould also make him eligible for Medicaid. Therefore, a family with a mother, father and sick children cannot receive medical attention under the Medicaid program no matter how great their medical need.

Other Assistance

Other assistance provided by the Migrant Research Project of Congressional Committees centered mainly around the preparation of material which has been included on pages 31 through 33 of the 1969 **Report of the Committee on Labor and Public Welfare — United States Senate** made by its Subcommittee on Migratory Labor, Report No. 91-83 on February 19, 1969. This section headed **Nutrition** again deals with the acute problems of hunger and malnutrition among migrant families. The testimony points up the problems experienced by migrants in gaining food assistance under programs designed and administered for a stable population. Those problems are compounded by the lack of non-governmental resources, such as local credit or private charity normally provided by communities to their residents. Of the 13 million dollars appropriated by Congress in fiscal 1968 for supplementary emergency food and medical services, to increase participation in federal food programs over a 6 month period, only $350,000 was set aside for migrant families. In fiscal 1969, the total appropriation for a 12 month period was only 17 million dollars for the entire population.

FROM CHILD OF HOPE

PART IV

Chapter VII— SPECIAL STUDIES

WORKER SURVEY SAMPLING

Basically, the Migrant Research Project was conceived to gather two types of information, i.e., the extent to which migrant workers and their families were or were not receiving welfare assistance through established channels; and the reason or reasons special emergency MRP assistance was needed to meet their food needs.

To clearly define the problem, it was essential to gather more specific information relative to the recruitment and employment pattern of the workers. To gather these facts, it was determined to undertake a sampling of workers in a mid-west stream state and a far-west state. Iowa/southern Minnesota and Illinois were selected in the mid-west since it was possible to sample a larger percentage of the total migrant population in the area including Iowa southern Minnesota and western Illinois. The state of Washington was selected in the far west. New York State was also included in the east coast stream and was utilized as a control group since no persons in the New York sampling were certified to receive MRP assistance. It is interesting to note the similarity between the New York State migrant and the groups receiving MRP assistance.

The tables included in this report may not, in all instances, total to the number of responses indicated for the individual state. This is caused by the fact not all migrants responded to all questions. The reader should be aware that due to irregularity of employment and working conditions not all questions were considered to be applicable by the migrant at the time of the survey.

In the majority of instances, persons doing work as migrant agricultural workers had been in the stream only 1 to 5 years or had been migrants for at least 15 to 25 years. This raises the question of what is happening to the young adults.

This situation may be caused in part by the rapid mechanization of the crops in Texas and in part by the green card holders coming across the border and displacing domestic workers. At any rate, people are apparently being forced into the migrant stream in greater numbers. The United States Department of Agriculture reported this trend in 1965 with statistics showing an increase in migrants from 11% to 15% from 1949 to 1965*. Apparently this increase is still occurring 4 years later despite the effort to enroll migrants in skill training programs to ease the transition from agricultural to industrial employment.

The complete breakout for the sampled states is as follows:

Years as a Migrant Worker by Percentage of Sampling

Heads of Households

	1-5 Years	5-10 Years	10-15 Years	15-25 Years
Illinois 24 interviews	37%	21%	13%	29%
Iowa 99 interviews	49%	20%	11%	20%
southern Minnesota 44 interviews	34%	14%	14%	38%
Washington 222 interviews	19%	7%	6%	68%
*U.S.D.A. Bullitin #121				56
New York 34 interviews	29%	20%	27%	24%

The above figure represent the following number of people and crews:

Illinois	585 people	72 crews
Iowa	1,724 people	140 crews
Southern Minnesota	968 people	114 crews
Washington	2,521 people	55 crews
New York	1,000 people	26 crews

In view of the more stringent housing standards required by the U.S. Department of Labor for the recruitment of workers through the Employment Security Commission, and in an effort to determine the practices governing the employment of migrants which affected their ability to plan for and effectively provide at least minimum daily requirements for their families, the MRP Worker Survey Sampling surfaced other general information related to the problem.

These generally fell into two categories: information relative to recruitment practices and information relative to wages. Responses are indicated in the charts below. It should be noted the number of migrants surveyed who were recruited through the Employment Security Commission was so small that it is included under the heading "other" in the chart.

Method of Recruitment and Contractural Arrangement

	Employer	Friend	At Home	Other	Signed Contract Yes	Signed Contract No	Received Copy Yes	Received Copy No
Ill.	16%	78%	0	6%	0	100%	NA	NA
Iowa	10%	61%	5%	18%	17%	83%	78%	22%
Minn.	18%	57%	15%	14%	24%	76%	36%	64%
Wash.	29%	45%	7%	18%	26%	74%	48%	52%
New York	5%	37%	29%	7%	97%	0%	100%	

From the above chart, it is easy to note the majority of migrants are recruited in the homebase areas through friends and personal contacts. The arrangements are casual and very few workers actually are employed under a bona fide contractual arrangement. Only in Iowa,

where 13 of the migrants interviewed had signed what they believed to be a contract, did the majority of workers responding to the question indicate they had received a copy of the document. MRP was unable to verify its authenticity as a contract.

Since the majority of migrants indicated they had been recruited to join a crew through a friend, the MRP interview included a question to determine the widening effect of such recruitment and if those workers being recruited by friends were asked to recruit additional workers either within their own families or among their acquaintances. Although the number of responses was small, it does indicate the enormity of the problem the homebase states face in enforcement of legislation governing recruitment.

Number of Recruited Workers Asked to Recruit Additional Workers

	Among Family	Others
Illinois	1	11
Iowa	22	34
Minnesota	17	16
Washington	51	1
New York	6	0

The number of children doing agricultural field work is generally accepted as being large. However, the matter of actual recruitment of such children is a question.

There can be no denying the complexity of the problem of adequate enforcement of the limited amount of child labor legislation which could protect migrant children. Part of the solution lies in the recruitment process. The MRP survey of migrants asked if children were being recruited either over 14 years of age or under 14 years of age. Responses were as follows out of 416 returns:

	Number Recruited		Ages Asked Proof Required			
	Less than 14	Over 14	Yes	No	Yes	No
Illinois	9	6	5	12	11	1
Iowa	19	102	29	54	16	42
Southern Minn.	47	103	15	19	8	18
Washington	34	76	101	81	1	120
New York	10	10	7	23	1	25
Total	119	297	157	189	37	206

A loan against future earnings is most often the only "ticket" a migrant has to his seasonal employment. To get to his work site, he must borrow from the employer. The MRP survey in the target states, however, indicated this practice may be undergoing a change. In Iowa, for instance, out of 99 responses, 79% indicated they had not borrowed from the upstream employer to get to the work site. Of the 21 who had borrowed transportation funds, only 13 indicated they had signed a promisary note for repayment of the loan. In Minnesota, 55% of those interviewed indicated they had not been forced to borrow travel money. However, of the Minnesota migrants responding, 61% or 23 heads-of-

Minnesota

households borrowing from the employer indicated they had signed promissory notes. In Washington, it was practically evenly divided between those who found it necessary to borrow money and those who did not do so. Only 49% or 37 heads-of-household negotiated a travel loan; of these 72% had not signed a note. The situation was similar among the New York group where 63% or 22 responding did not borrow money for travel. When loans were made 80% indicated they had not signed a promissory note. In Illinois, no migrants interviewed indicated they had borrowed funds for travel. However there were only 18 responses to the question.

MRP is unable to draw any conclusion as to this trend and what alternatives there may be developing for resources. Certainly MRP was not able to determine that greater numbers of migrants were finding winter employment in the homebase areas; indeed the reverse was true. However, this could be a partial indicator of the impact being made by stipended adult education training programs. It may also be the result of a change in mode of transportation and size of crews. This would seem to be substantiated in part by information received from the Chicago Regional Office of the U.S. Department of Labor who indicated job orders received are being placed for larger, but fewer crews for 1970. Those traveling may be traveling by truck vs. family automobile.

It is commonly believed there are certain guaranteed prequisites enjoyed by migrant workers such as free housing, utilities, interest-free loans, etc. In order to determine the way promises and guarantees were being made against those benefits actually received, migrants were asked to list recruitment promises. These have been tabulated as follows in the target states:

Recruitment Incentives

	Rent Free Housing	Minimum Wages	Guar. Wage on Rainy Day	Free Med. Attn.	Free Clthng. Blankts	Free Trans	Bonus	Loan for Groc.
Illinois	8						1	2
Iowa	54	20	7	9	4	8	16	44
S. Minn.	28	21	4	3	2	5	5	35
Wash	154				8	7	21	1
New York	4					8	2	1
Totals	248	41	11	13	14	28	52	53

Recruitment Incentives Received as Promised
(Percentage of those Responding)

	Yes	No
Illinois	100%	0
Iowa	81%	19%
So. Minnesota	71%	29%
Washington	97%	3%
New York	12%	88%

Normally, working people in this nation enjoy regular pay periods. In order to determine the pay intervals available to migrant workers which can provide funds to enable families to participate in food programs, the MRP survey defined the time sequence of pay periods in the target state areaa.

The question determined not only the intervals between pay periods, if regular pay periods were established, but also whether or not pay records were kept and if so, by whom. Results were as follows:

Wage Payment Practices

	Time Interval				Wit. Rec. By Whom (# of resp.)				
	Daily	Weekly	End of Season	Other	Yes	No	Self	Crew Chief	Grs. Other
Illinois	15%	70%	15%	0	29%	71%	9	12	9 0
Iowa	0	52%	35%	13%	59%	41%	51	13	53 0
S. Minn.	36%	14%	30%	20%	68%	32%	22	3	21 0
Wash.	0	60%	30%	10%	0	100%	18	8	137 2
New York	0	100%	0	100%	100%	0	8	24	14 0
				Totals			104	60	234 2

Out of 400 responses, the table indicates that when the migrant was aware of written records being kept regarding the amount of his earnings, these records were kept by the grower and subject to the grower's control. Less than 50% of the workers had records of their earnings which explains part of the difficulty in applying for welfare and food assistance even when they were eligible for such assistance. MRP was not able to determine if the records maintained also indicated hours worked in order to determine the hourly rate actually earned in relation to the minimum wage hour even in those instances when it was applicable.

The practice of family earnings being credited to the head-of-the-household causes major difficulties for workers in accruing social security credits for old age assistance. It does enable the grower to maintain a simplified bookkeeping system and requires less reporting on his part to the Internal Revenue Service, the Social Security Administration, and appropriate state and local agencies. It conceivably could also cause families to be disqualified from participation in food programs in those instances where minor sons and daughters were married and could be certified as a family unit if separate cooking facilities or schedulea could be maintained.

To determine the incidence of paying wages to one member of the family rather than to each individual employee as is generally required of industrial employers, migrants were asked to respond on the practice:

Migrant Earninge Credited and Paid

	One Family Member	Individual
Illinois	8	5
Iowa	75	18
So. Minnesota	20	9
Washington	112	41
New York	15	18
Totals	230	91

There can be no doubt that migrant workers are not receiving credit for their individual earnings in the target areas surveyed. Without doubt, the failure of employers to maintain and provide adequate records of earnings to individual migrant workers decreases the number of needy migrants able to be certified for food programs for which they may be eligible.

It is also important to persons applying for food assistance to not only show proof of income, but also to be able to provide proof of various deductions from gross pay which may be counted as hardship deductions in applying for food assistance. In all instances in the target areas, migrants reported deductions were made from their gross pay. The majority of workers surveyed felt the deductions made were fair as they understood the conditions of their employment.

Number and Percentage of Migrants Reporting Wage Deductions

	Deductions Made				Deduction Was Fair to Worker				Wages Held Back Without Explanation			
	Yes	%	No	%	Yes	%	No	%	Yes	%	No	%
Illinois	16	84	3	16	21	100	0	0	14	82	3	18
Iowa	47	70	20	30	41	87	6	13	58	64	33	36
S. Minn.	25	100	0	0	19	90	2	10	34	83	7	17
Washington	120	81	28	19	154	100	0	0	89	59	62	41
New York	29	94	2	6	32	94	1	6	10	29	25	71
Totals	237		53		267		9		205		130	

The final question asked in the special worker survey sampling was designed to determine what was the effect of underemployment or days lost on the earnings of migrants. As expected, all workers reported days not worked. Indeed, this was the major reason reported for the need of special MRP food assistance as indicated in the accompanying chart:

Reasons for Requesting MRP Food Assistance

	Illinois	Iowa/Minn.	Washington	Total
Work Not Ready	14	77	98	189
Without Funds	1	87	79	169
No Job		42	42	165
No Reason	1	33	105	139
Medical	9	46	34	89
Wages Held Back	4	63	1	68
Car Payment		35	6	41
Debt to Grower		34	5	39
Weather		29	9	38
Loan Due	1	21	1	23
Car Repair		21		21
House Payment	1	17		18
Bonus End of Season	1	10		11
Disabled			7	7
Bonus Denied		5		5
Wages		5		5
Funeral	1		1	2
Owe Crew Leader		1		1
Other	11	59	66	136
Totals	44	585	454	1,164

The number of migrants reporting irregular employment and periods of unemployment during the peak work season was 948 workers. This irregularity of employment and underemployment during the peak earning season limits the amount available to workers for the purchase of food. In addition, workers were often kept from participation in the food stamp program by two practices employed by growers and processing companies to enable them to guarantee credit to local trades people and to defer capital expenditures of growers until the end of the season when crops are harvested and sold. These practices are the establishment of credit or charge accounts with local grocrs or the issuing of private food coupons, the value of which is deducted from gross pay and redeemed from local merchants by the growers. (See section on food coupons.)

This practice disallows the bonus purchasing power of Federal Food Stamps.

	Heads-of-Household
	Days of Unemployment*
Illinois	150
Iowa	260
S. Minnesota	104
Washington	215
New York	230

*Man Days

The worker survey form surfaced many of the contributing causes of migrant poverty. Because all tabulations were done manually by staff, it was necessary to cut off further tabulations on September 30, 1969. Therefore, not all samplings are included in this report. However, indications are that final tabulations will not deviate greatly from the reported percentages.

Chapter VIII

SPECIAL WISCONSIN PROJECT

The conclusions reached by the U.S. Senate Subcommittee on Migratory Labor in reports published in 1969, made it apparent that further research and more accurate documentation would be necessary before solutions to the problems brought out during the committee hearings could be found.

The Migrant Research Project of the Manpower Evaluation and Development Institute and the Division of Family Services, Department of Health and Social Services, State of Wisconsin undertook to provide the documentation necessary. The demonstration study was initiated in the summer of 1969. The purpose of the study was to provide a more specific indication as to the extent and cause of the problems of hunger and malnutrition among the migrant families working in the stream and to determine, if, under optimum conditions, migrants could receive necessary assistance through existing programs as presently structured.

The Migrant Research Project provided funds for emergency food services, when needed. The study involved 6 counties in the central portion of Wisconsin, where the highest cencentration of migrants would be for the summer months. The total sample included 381 families, consisting of some 2200 individuals.

Final conclusions based on the data presented have not as yet been formulated. A special report written jointly by the Migrant Research Project and the Division of Family Services, Wisconsin State Department of Health and Social Services will be published within the near future. Copies will be available from either agency.

It can be stated at this time however, that due to the joint project the increase in migrants served in one county alone by the food program increased 300%. The increase in the other counties studied also showed equally astounding increases. It is hoped this report will provide at least a part of the information needed to modify the existing programs or to design new ones to meet the specific needs of the migratory worker, compatible to the goals for service presented in the Senate Subcommittee report.

As brought out in the Subcommittee report, one of the problems migrants frequently faced is hunger and malnutrition. Unstable characteristics of the farming industry combined with encroaching mechanization dictates the financial insecurity of the migrant group.

The project was conducted in Adams, Columbia, Green Lake, Portage, Marquette, and Waushara counties. These counties were jointly selected by the State of Wisconsin and the Migrant Research Project because of the concentration of migrants in the area as well as the implementation of three different types of food programs. Counties with food stamp programs were Adams, Marquette and Columbia. Commodity Distribution counties were Waushara and Portage, while Green Lake county had neither program at that time, but since the project had ended, has implemented the Commodity Distribution program. Additionally, the project utilized 6 other counties as a control group. They were the food stamp counties of Door and Milwaukee and the Commodity Distribution counties of Oconto, Kenosha, Waupaca and Dane.

The migrant families who participated in the study applied for emergency food services during the months of June, July, or August. The average size of the family (See Figure 1) was six persons. The average stated income was between $2,000 and $2,400. (See Figure 4). The average stated monthly income for the preceding month was between $300 and $400 per family. This relatively high figure can be accounted for by the fact that the migrants in the Wisconsin project areas accrue approximately 49% of the total annual income during the three summer months of his greatest employment. The balance of the annual income is accrued over the remaining nine month period from both farm and non-farm sources.

Project Families Annual Income - Family Size of 4 or More

	# of families	%
$999 or less	24	13.2%
$1,000 - $1,999	71	39.0%
$2,000 - $3,999	83	45.6%
$4,000 - or more**	14	7.7%
Not given total	93	
	285	100%

**Top Income $6,000

It is quite evident, even from our preliminary calculations, that any consideration of a migrant's monthly income out of the content of annual income is likely to be grossly misleading. For this reason, the current food stamp program and other resources of public assistance, which have eligibility requirements based on monthly income levels, are often not available to the migrant. In Wisconsin, for example, the allowable monthly income for a family of six is $350. Since the average stated income for the previous month, according to initial calculations, is between $300 and $400, it is conceivable that some of the families could have been ruled ineligible for services because of income requirements even though their annual income was far below the index of poverty.

The figures on amount of expenses and financial commitments incurred by the migrant families in the study are not yet available. It would appear, however, that one of the primary reasons for needing emergency assistance during the summer months is because most of the income is applied to debts incurred during the previous year, or as a cost of traveling to the worksite and cost of maintaining the work crew instream. Although it was apparent that the weather conditions were a major contributor to the problems in Wisconsin last summer, there were undoubtedly other variables which are emerging from the data, which were also important casual factors.

An analysis of the data in one county where 313 families received commodity foods for a two-week period from July 16, to August 1, 1969 revealed the following information:

Average Size Family	-	6.1 members
Number reporting debts on houses, cars, hospital etc.	-	111 - 85%
Number with funds in bank	-	1 - $200.00 1 - $300.00 1 - $1,000.00
Number receiving welfare in Texas	-	3

One of the target areas of the pilot study was information on the number of migrants participating in welfare programs and other existing services availab le, as well as the emergency food services.

The most frequently received service by those migrants included in the sampling, was surplus food commodities. (See Fig. 5). Not quite 50% of the migrant families surveyed were receiving, or had received, surplus commodities from the counties. The next most frequently utilized service was the HEW Health Program in which almost 20% of the families indicated they had participated. It is important to note that other services purportedly available to needy people, such as welfare, Medicaid, School Lunch, Medicare, and Head Start did not have a large migrant participation.

It should be emphasized again that the figures included are based on the preliminary tabulations and not intended to be construed as being statistically final at this point. However, information tabulated thus far, seems to coroborate the findings of the Senate Subcommittee report. It would appear that, as suggested in the Subcommittee report, there is a pressing need for modification of some of the existing programs, or to create new programs which would be designed to fit the needs of the migrant population. In the Wisconsin project, it was clearly demonstrated that it is illconceived to attempt to incorporate into present structures designed to meet the needs of a resident population, citizens of a mobile nature. This is true of all the major public institutions. It is especially true in welfare agencies. It was also made apparent that further studies in more specific areas are called for to provide efficient administration of any programs initiated.

Based upon the 1969 Wisconsin summer food project and the difficulties encountered in its implementation, it is the recommendation of the Wisconsin State Department of Health and Social Services, Division of Family Services and the Migrant Research Project that the United States Congress enact legislation to ensure equal benefits of welfare assistance to all its citizens. It is further the recommendation that this be accomplished by the enactment of uniform standards of eligibility and benefits for all Federally assisted programs in all states.

Tabulations

The statistical data for the survey is presented in bar graph form, based on percentages. All percentages in the graphs have been rounded to the nearest whole percent, and for this reason slight errors due to rounding may be noted. Figures included in the tables are those figures actually derived from the survey data. Formula used computing the median for the income figures is as follows: $\left(\frac{N}{1+2\,FB\,i.}\right)$ All graphs were hand drawn and $\left(\frac{}{fp}\right)$ were not intended to be construed as anything other than graphic representation from an estimated scale.

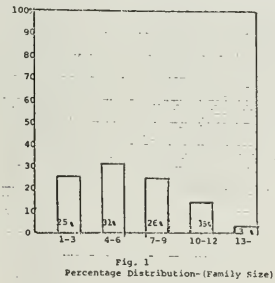


Fig. 1
Percentage Distribution-(Family Size)

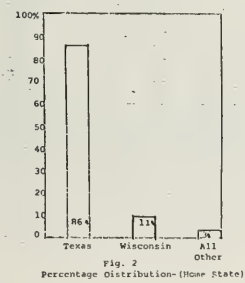


Fig. 2
Percentage Distribution-(Home State)

Table 2

Family Size	No. of Families	Total Individuals
Singles	25	25
2	30	60
3	36	108
4	41	164
5	44	220
6	34	204
7	42	294
8	37	296
9	22	198
10	17	170
11	19	209
12	16	192
13	4	52
14	3	42
15	3	45
16	0	0
17	2	34
	375	2,393

Not responding 6
Average family size = 6.1 persons

Table 3

Home State	Number of Families
Texas	330
Wisconsin	38
Florida	2
Oklahoma	2
California	1
Colorado	1
New Mexico	1
Washington	1
Puerto Rico	1
Mexico	1
	378
Not responding	3
	381

Table 4

Amount of Monthly Income ($)	No. of Families
0-99	130
100-199	56
200-299	43
300-399	39
400-499	12
500-599	22
600-699	11
700-799	6
800-899	7
900-000	5
1000-	10
	341
Not responding	40
Median income $172	381

Table 5

Amount of Annual Income ($)	No. of Families
0-499	14
500-999	33
1000-1499	46
1500-1999	43
2000-2499	52
2500-2999	15
3000-3499	29
3500-	16
	249
Not responding	132
Median income $1,866	381

Table 6

Services	No.of Families Receiving	Not Receiving	Total
Commodities	157	223	380
Welfare	19	361	380
Medicare	16	364	380
Medicaid	12	368	380
School Lunch	32	348	380
Head Start	24	354	378
HRM Health	69	311	380

Table 7
Comparison of Distributed Foods

Number of Migrants Reported by WSES		Receiving Emergency Food
1. Waushara	3300	1272
2. Portage	900	342
3. Oconto	950	186
4. Kenosha	155	204*
5. Door	900	30
6. Marquette	650	60
7. Waupaca	325	12
8. Dane	150	6
Total	7,330 (WSES)	2,285 (MRP)

*Included seasonal workers

MRP provides Emergency Food Services to 32% of reported migrant pop. in above counties.

Table 8
Distribution in Age Groups

Age Groups by Families	# of Individuals
0-3	270
4-6	410
7-11	377
12-14	262
15-16	172
17-21	283
22-44	266
45-64	84
65-	7
	2,131

Fig. 3
Percentage Distribution-(monthly income)

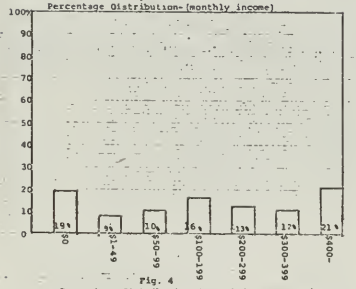
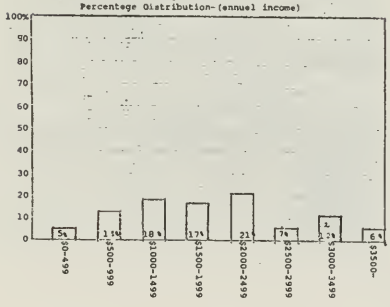


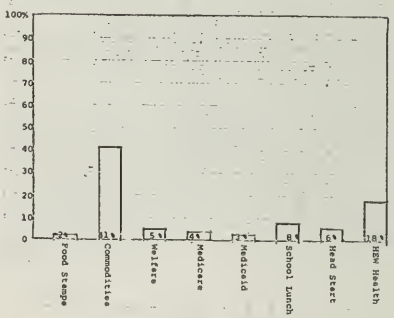
Fig. 4
Percentage Distribution-(annual income)



Tab. 1
Number of Aid Receipts

No. of Times Rec.	No. of Families	Percentage
1	289	76%
2	76	20
3	12	3
4	3	1
5	1	0
	381	100%

Fig. 5
Services Received (percentage)



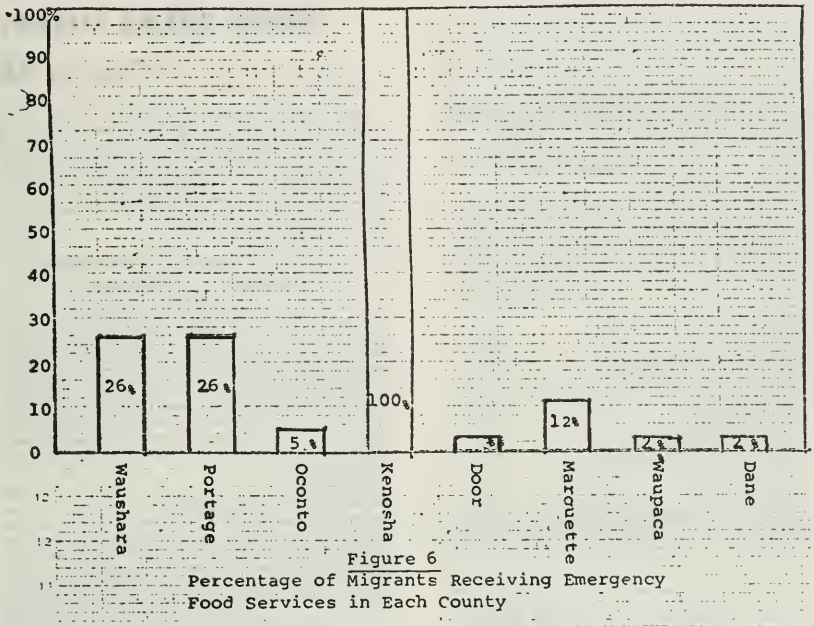


Figure 6
Percentage of Migrants Receiving Emergency Food Services in Each County

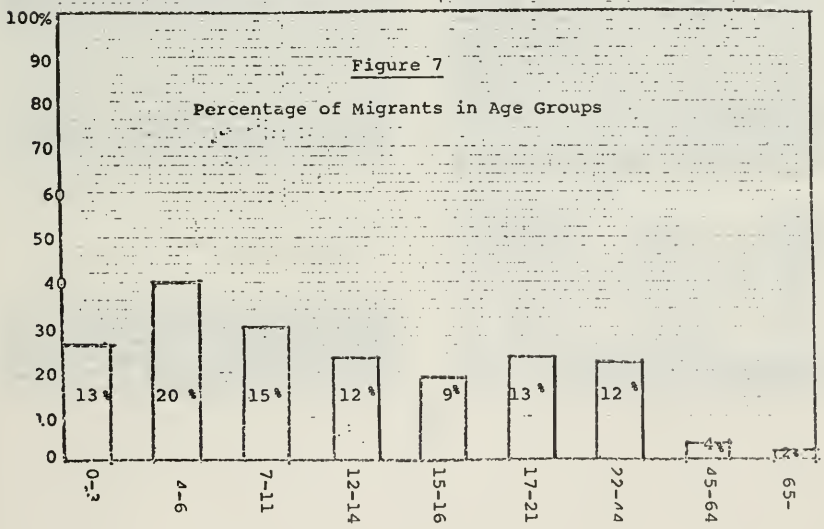


Figure 7

Percentage of Migrants in Age Groups

SOUTH TEXAS SURVEY

Chapter IX

During the spring of 1969, MRP conducted a brief one-week survey in six counties of south Texas to determine why migrants in the area were not participating to a fuller extent in the surplus commodity program.

Reports of hunger were widespread and requests were repeatedly being made for emergency MRP funds to feed migrants in the valley.

The survey was conducted by migrant workers over a five-day period. No follow-up effort was made nor was there any attempt to interview welfare workers to check the records maintained by welfare officials.

However, the results indicated only one migrant family out of 49, who responded in the door-to-door random sampling were received food assistance. Reasons for denial of eligibility listed by those surveyed were as follows:

Didn't know reason for denial	18%
Income too high	16%
Cut-off from further certification	14%
Lacked proof of income	12%
Attitude of officials — too many questions	12%
Told to seek work	6%
Reason not clear	6%
Owned auto or truck	4%
Lack of citizenship[14]	4%
Told not sufficient food available	2%
No child in family—no commodities	2%
Did not apply	2%
Received	2%

(Represents 49 samplings, 150 anawers)

A breakdown of the eight families denied food because of excess income reveals the unrealistic criteria being used to implement food programs.

One head-of-household with 10 family members reported he was denied certification on the basis of his $1,000 annual income. He had no income for the month he applied. A family of 7 persons with $3,000 income was told the county had no more money for food.

A tearful mother of 8 children living on the $180 monthly pension of her husband killed while serving in the Army was also told her pension disqualified her on the basis of income even though this amount allowed only $.66 + per person per day for total living expenses; not sufficient to meet U.S.D.A. requirements of $.75 per day for a basic diet.

The amount of daily per person income available for total living expenses for those denied assistance on the basis of too high an income would be as follows*

Earnings per Month	Number in Family	Available per Person per Day Total Living Expenses
$200	9	$ .7+
150	5	1.00
83	10	.27+
180	9	.66+
0	4	0
60	2	1.00
192	10	.6+
145	9	.5+
70	5	.4+

(14) Not a requirement

If one were to carry this a step further and figure the amount available for daily food costs as 20 percent of available income, it is clear the enormity of the problem faced by malnourished and hungry migrant workers. The average migrant in the above table would have available only 10¢ per day to meet his food needs. No economy plan yet developed will meet this criteria.

* Rounded figures

LYNN COUNTY COMMUNITY DEVELOPMENT COMMITTEE, INC., PROJECT

Late winter and early spring weather in Texas has been made more accute the usual need for food supplement of the migrant workers wintering in the atate before the spring trek north. The Migrant Research Project does not have available statistics too indicate the actual numbers of hungry migrants in Texas. The Office of Economic Opportunity made available emergency food and medical services funds to local Community Action Agencies and to the Title III-B Migrant Division grantees in addition to those funds administered by the Migrant Research Project.

It is interesting to note how closely the data obtained from one of the other OEO emergency food grantees and analyzed hy the Migrant Research Project correlates with MRP statistics. The Lynn County Project raw data and demographic information of 149 families receiving food assistance from that agency. Represented are 98 migrant families and 58 seasonal farm families. Their annual earnings for the 12 month period of time prior to March, 1970 based on self-declaration looked like this:

FAMILY EARNINGS - 12 months			
Over $3000	$2500-$3000	$1500-$2500	Below $1,500
17	36	59	37

Their declaration of earnings for the previous 30 day period prior to their application for assiatance, however, more accurately reflected the extreme hardship felt by the migrant families, moat of whom were forced to live on the little they had earned during an extremely poor harveat season in the north during the summer of 1969.

FAMILY EARNINGS -	ONE MONTH PERIOD PRIOR TO APPLICATION FOR ASSISTANCE					
	Over $300	$250-$300	$150-$250	$100-$150	Below $100	-0-
# of family units	5	18	39	14	56	17

The size of the family and the ages of the family members must be considered in determining the amount of food necessary to maintain the family at a proper nutritional level. From the above table, it is easy to note that only 5 families had an income greater than $300 prior to the month when a request for assistance was made. Of these 5 families, 2 had 11 members in their household, 2 had 10 members each in their household, and the other had 6 members.

An analysis of the 17 families who declared they had no earnings or income during the 30 day period prior to application for assistance revealed 1 with 10 family members, 3 families with 9 members, 3 with 7 members. All but 5 of these 17 families indicated they had applied to public welfare for assistance, but had been rejected for a variety of reasons. One family with 5 members were told they could not receive assistance because the size of the family was too small to qualify for the program! Another family with 7 members, headed by a 20 year old unmarried son had been without food for 5 days. Still the boy was told by the welfare officials that he should work to support his family. Some of the families who had not applied for assistance from public welfare indicated they had not done so because the welfare officials spoke only English and they understood only Spanish. Others did not have the necessary transportation available to pick up the commodities. A number of the no income and low-income families reported they had been refused assistance by the public welfare officials because they were **MIGRANTS** !

A look at the annual income of the 17 families who listed no income for the 30 days prior to application for emergency food varies from $500 for a family of 7 persons to $3,800 for a family of 5 persons. One family of 9 persons, with 3 persons over the age of 16 years, had an annual income of $1,000; while the other two families who listed 9 members each, (with only 3 members 16 years of age or older) listed an annual income of $2,500.

Family size for the 149 migrant or seasonal farm worker families who received emergency food assistance from the Lynn County Community Development Committee was as shown in the following table.

UNITS BY NUMBER IN FAMILY					
1	2-4	5-7	8-10	11-13	14 and over
3	37	46	47	16	0

AGES OF FAMILY MEMBERS						
Years	0-5	6-15	16-21	22-44	45-64	65 +
# of individuals	75	445	97	81	89	7

Of the 149 family units representing 794 individuals reflected in the above tables, only 7 families indicated they were receiving food assistance other than commodities, and only 23 family units were participating even irregularly in the commodity distribution program! This means that only 20% of the hungry migrants who should have been eligible to receive commodities, actually were able to receive any food assistance other than that available to them through the emergency food program of OEO. Other assistance programs made an equally poor record.

PERCENTAGE OF MIGRANT FAMILIES SURVEYED PARTICIPATING IN PROGRAMS					
Food Ass't	Commodity	School Lunch	Welfare	Social Security	Head-Start
5%	15%	31%	3%	5%	1%

Even though the School Lunch program made the best showing, many of the students indicated they were receiving a reduced price lunch, or that they were allowed to receive school lunch on credit, but that when a family member was able to find work, they must repay for lunches received. Still other families who applied for free school lunches were turned down because the school system had exceeded their set quota of students who could participate in the school lunch program.

A difficulty experienced by many of the elderly migrants was lack of citizenship. On woman of 66 years of age was being supported by her 20 year old granddaughter who had an annual salary of $ 1,500 and listed only 70 income during the 30 day period prior to applying for emergency food assistance. She was denied old age assistance because of her lack of citizenship even though she had been a resident of the United States for 60 years!

All in all the reasons for denial for public assistance were many and varied. One family was certified for participation in the comodity distribution program and received foodstuffs twice, however, the eligibility was cancelled when the weather turned "nice". They were told that as long as the weather was "nice" they could not receive 'help".

One of the most heartbreaking reasons given for denying assistance, was to a family of 9 persons, headed by a 40 year old male with 6 children. His wife's sister lived with the family unit. Welfare officials purportedly told the family that in order to receive assistance, they would have to ask the sister to leave their home since this added to their expenses. Assistance would not be granted any other way!

Year Round Assistance

Because the Migrant Research Project is a national project, it was possible to trace some travel and earning patterns of several of the families who required emergency food assistance both while in a stream state and while in the homebase state during the winter.

Typical of these was the family headed by 40 year old W———— V———— who worked the asparagus fields in Southern Minnesota in 1967.

This 10 member household wintered in Plainview, Texas and were recruited through the Texas Employment Security Commission on April 21, 1969. The official U.S. Department of Labor form No. 369 (see copy) lists

6 workers in the family; none under the age of 16 years.

The family enrolled their young children in a Day Care, Headstart, and Little I Center operated by an MRP grantee.

The father listed his annual income for the previous year at $1,000 at the time they began picking asparagus. Because every hand counts for both migrant and compsny when the "pesk season" began, everyone in the family with the exception of the 2-year-old and the 7-year-old worked. It is intereating to note the ages of the family members as listed on the family history sheet of the school center. In actuality, two of the "workers" were under the age of 16 years and not "over 16" as certified by the U.S. Department of Labor (see photo). The family also listed 7 members as being workers with the school center. Mr. V———— in responding to the MRP worker survey, stated that his children were recruited by the Employment Security representative, that he was not asked their ages, and that they were promised the same rate of psy as the adults in the family. The school records ahowed that only the 4 youngest children enrolled at the center; the 12 and 15 year olda did not enroll.

A further inspection of school records show all too well the effects of the life style psttems of migrant children.

P————, age 11, was teated by school officials and found to be in the 3rd grade. His parents atated he had sttended school only 4 months the past year. In seven weeks he improved one whole grade in his Botel Reading Test.

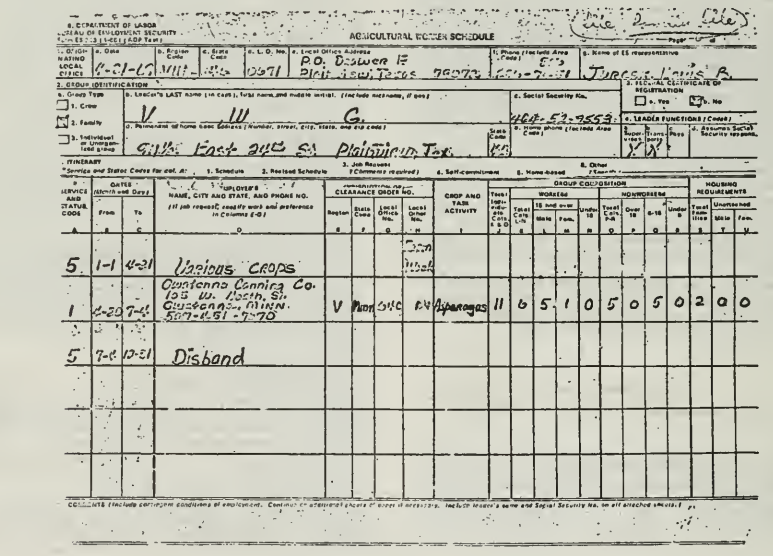
J————, age 8, placement test indicated this child opersted on a first grade level and did not yet know her alphabet. Socially withdrawn, at school she plsyed mainly with her sister. Difficulty with the English languge.

M————, age 7, school records indicated this child was rather withdrawn. Wrote her teacher, "Much of the time she just sits, too tired to do much of anything . . . I discovered with 6 brothers, she has to get up very early to help around the house. This could be the main reason for her 'laziness.' I try to see the she rests everyday and she ususlly falls right to sleep."

L————, age 2, understood very little English. Adjustment to other children difficult at enrollment, soon he played well with children. By the end of the term, he hecame aware of sizes, shapes snd colors.

At the time of recruitment, Mr. V———— signed a promisory note snd was given a cash advsnce of $300. The family was promised rent-free housing, free medical sttention, and company issued coupon books which were redeemable for food. Deductions were taken from his weekly check, however, he rarely undrstood what these deductiona were to cover.

On July 4, 1969, the family left the ssparagus fields. It is believed they returned directly to Texas. However, on April 13, 1970, the V———— family again sought snd received food assistance from the MRP grantee. At this time they stated Mr. V———— was unshle to find work and his earnings for the previous 12 month period was $1,300!



AGRICULTURAL WORKER SCHEDULE

| | | |

MIGRANT ACTION PROGRAM

Date 5/13/69

Grower _____ Area Center Owatonna

Grower _____ County _____

Grower O _____ Co. County Steele

Location of Camp Cashman

Family Name V _____ Date Arrived May 1, 69

Home Base Clairemont, Texas Date Left Area July 4 69

911½ East 24th Street Travel Pattern Mesa - Texas

Seasonal _____ Migrant X Out-Migrant _____

Religion Catholic Number of years in area 1

Social Security Number 464-52-9553 Citizenship U. S.

Individuals in Family	Sex	Birth Date	Age	Educational Level	English Fluency	Worker or Non-worker
W	M		39	1st	NO	W
S	F		39	6th	"	W
G	M.		17	7	yes	W
Gu Jr	M.		16	7	"	W
V	M		15	7	"	W
J	M		12	4	"	W
J	M	4/21/1955	11	3	"	W
G	F	10/9/1960	8	1st	"	NW
J M	F	3/25/1962	7	1st	"	NW
L	M	11/20/1966	2	—	—	NW

Total 10

Remarks Father illiterate

Family Income 1000

Poverty Line 4500

Amount Under 3500

Welfare _____

Referral received _____

Referral sent _____

Number in age groups	M	F
under 1		
1 through 4	1	
aged 5		
6 through 14	2	2
aged 15	1	
16 through 19	2	
20 and 21		
22 through 44	1	1
45 through 64		
65 and older		

Total Workers 3

Total Non-workers 3

Months in area

Jan ___ Feb ___ Mar ___

Apr X May X Jun X

Jul ___ Aug ___ Sep ___

Oct ___ Nov ___ Dec ___

Submitted By J. C.

Chapter X — SPECIAL HOUSING SURVEY

The conditions which migrant workers encounter as they move from state to state has been described as a serious crime. Senator Harrison A. Williams, Jr., in the forward, entitled "Crime in the Fields," of the 1969 Report by the Senate Subcommittee on Migratory Labor1, cites Webster's New Collegiate Dictionary in defining what constitutes a crime – "a gross violation of human law; any aggravated offense against morality." The 1969 Report, while considering the entire spectrum of "crimes in the field" afflicting migrant workers and their families, focused upon one of the most acute problems facing the migrant worker; the home in which he lives while in the stream.

The seriousness of the crime may be measured by the number of people which are affected, i.e., the number of victims. In 1968, approximately 279,000 people were migrant farm workers2. Most of these workers travel in family groups so that the total number of people traveling in the migrant labor stream may be as high as one million. If the poor conditions of camps are as widespread as studies tend to indicate, then nearly all of the migrants are afflicted.

In discussing the problem with government officials, both federal and state, it became very apparent that despite the numerous surveys and reports, very little was inside migrant labor camps. Although there was a general belief that the camps were bad, how bad was not actually known. The Migrant Research Project believed that it was necessary to gather and present data which would reflect the condition of the camps as accurately as possible.

During the summer of 1969, the Migrant Research Project, with the cooperation of the United Migrants for Opportunity, Inc. (UMOI) conducted an intensive survey of migrant housing in the State of Michigan. Michigan was chosen because of the large numbers of migrant workers who enter the state each year in search of agricultural employment. It is estimated that between 50,000 to 100,000 migrant laborers annually come to Michigan from other states, primarily Texas, in search of employment. Approximately 3,100 camps, located throughout the state, provide housing for these workers.

The purpose of the study conducted by the Migrant Research Project was to identify and document those aspects of migrant housing which could be corrected by enforcement of existing laws and regulations. It was believed that a major reason why the problems of migrant workers have not been met is in large part, due to the lack of specific information and statistics. Thus, a methodology of research was devised which would satisfy the objectives of the study.

Methodology

A simplified inspection sheet was designed which would enable staff members of UMOI, an OEO Title III-B project, to observe and record the conditions which they found to exist in migrant labor camps in Michigan. Since the OMOI has offices located in various parts of the state, this enabled a more balanced geographical distribution in the survey sample.

The questions on the inspection sheet were also designed to provide information revealing the existence of violations of the Michigan Housing Regulations promulgated and enforced by the Michigan Department of Public Health as well as the Federal Regulations set by the U.S. Department of Labor. Since most of the states have enacted regulations similar to those of the USDL, the inspection sheet was used in other states as well.

A table of random numbers was not used in the selection of the camps which were inspected because at the time the survey was commenced, a total list of camps was not available. A second reason was the time and cost factor in preparing such a list. Futhermore, the camps are spread throughout the state and are often difficult to find. When found, it is often impossible to get permission from the operator to enter the camps. For these reasons, the inspections were made on the basis of information and knowledge of camp locations known to the UMOI from their extensive contacts with migrant workers throughout the state. No attempt was made to single out the worst camps. The results of the survey appear to be quite reliable. Since the questionnaires were also used as the basis for inquiry to the Michigan Department of Public Health and the Michigan Employment Security Commission, it is possible that more than the proportionate number of "bad camps" are included. To compensate for that possibility, when analyzing the questionnaires for violations of federal and state regulations, all doubts were resolved in favor of the non-violation.

By the end of the summer, 148 camps had been inspected, approximately six percent of the licensed camps in Michigan. These survey camps were located among 23 counties on the lower Michigan peninsula where the bulk of Michigan's migrant population are employed. The occupant size of the camps ranged anywhere from six to 261 and the total number of migrants living in all of the survey camps totaled in excess of 5,000 persons.

The data collected from the camps which comprised the survey group provided a firm foundation for analysis of housing conditions in Michigan's migrant labor camps. Before turning to a discussion of the findings, it is initially important to understand the regulations set by the Michigan Department of Public Health as well as the federal regulations set by the USDA.

State and Federal Housing Regulations Governing Migrant Labor Camps

In an attempt to protect the health and safety of migrants recruited through state employment agencies, the federal government established guidelines for minimum standards of habitability of migrant labor camps (Title 20 CFR Sec. 620). These regulations apply whenever an employer seeks the assistance of the state employment agency (in this case, the Michigan Employment Security Commission) in the interstate recruitment of workers in agriculture, foods, and related industry. These regulations, therefore, apply with particular force to migrant workers.

According to the procedures set forth in the Federal regulations, a grower (employer) who solicits the Michigan Employment Security Commission in recruiting farm workers from outside the state must state that the labor camp which he operates conforms to the minimum housing standards set by the USDA. No inspection or other proof is required, although an inspection of the camp is required thirty days prior to the arrival of the workers. If it is found that the housing conditions do not meet the federal requirements, the employer will be denied further recruitment assistance and the present work order will be canceled.

The Bureau of Employment Security is given the duty of enforcing the federal regulations and the power to deny its recruitment facilities to persons who fail to comply with them. Unfortunately, the administrative structure of the Bureau of Employment Security ensures confusion as to the enforcement of the regulations. The state agencies affiliated with the U.S. Employment Service are charged with administering the federal regulations governing compliance by the camp operators. However, the state agencies often have an inadequate number of inspection personnel; and must, therefore, rely on the camp owner's statement when they grant certification for the camp and process the clearance order for the workers. Often the Bureau of Employment Security relies on the State Health Department to make inspections. Furthermore, in some instances, it is known that state employment agencies have failed to deny recruitment facilities to persons who do not comply with the regulations.

The effect of cancelling the work order is often a futile gesture since the workers are already arriving into the camp or are en route. Consequently, the enforcement scheme poses no immediate obstacle to the operator; he is already guaranteed having workers to harvest the current season's crop and, at the same time, is not under any compulsion to make the necessary corrections to bring the camp into compliance with the minimum standards. Furthermore, by the time the revocation procedure is completed, the season may already be completed and the workers are on their way again; off to a new camp.

Field observation would indicate that the enforcement procedures available to the Bureau of Employment Security, either denial of recruitment facilities and cancellation of work orders, is not an effective means for gaining compliance. The fact is that many workers who arrive into the camps were not recruited through the State employment agency; and, therefore, the federal regulations do not apply. For these workers, their only recourse is to the Michigan laws and the regulations promulgated by the State Department of Public Health.

The provisions governing minimum housing standards on migrant labor camps in Michigan are covered by Public Act 289 of 1965 and by the regulations promulgated under that act by the Department of Public Health. Public Act 289 created the Agricultural Labor Camp Unit (ULCU) within the Division of Engineering in the Department of Engineering in the Department of Public Health which was given jurisdiction to issue licenses to any agricultural labor camp occupied by five or more migratory workers. The Commissioner of the ALCU will issue a license to camp operators only, if after investigation and inspection, he finds that the camp conforms to the minimum housing standards which are set forth in the regulations.

As it was pointed out earlier, federal regulations established by the United States Department of Labor set **minimum** standards. States are prevented from enacting regulations allowing less stringent regulations than those set by USDL only in those cases where workers are recruited for employment through the Employment Security Commission. Otherwise, states are not required to set any higher standards. Michigan departs very little from the federal regulations and has adopted federal standards almost verbatum. The inspection sheet utilized in this study restated the Michigan regulations in the interrogatory and thus permitted an analysis of violations under both Federal and State law.

The regulations themselves establish minimum standards of construction, health, sanitation, sewage, water supply, plumbing, garbage and rubbish disposal. The agency enforcing the Michigan housing regulations is the ALCU. The problems this agency encounters in enforcing the regulations roughly parallels those which are faced by the Bureau of Employment Security in enforcing the federal guidelines. One of the major problems they face is lack of personnel. The ALCU staff consists of a program director, six full-time regional sanitarians, and six seasonal camp inspectors. This small staff is unable to effectively police the 3,100 labor camps for code violations.

Although there are provisions in the Act for suspension or revocation of a license, the time in which it takes to litigate these proceedings renders them totally ineffective vehicles for enforcement. If violations are reported to the Commissioner of the ALCU, he must set a hearing and give notice to the camp operator at least 10 days prior to the date of the hearing, before any action can be taken. If, at the hearing, it is found that the complaint is valid, the aggrieved camp operator may appeal that decision to the courts and thereby gain a further delay in correcting the violations. As pointed out earlier in this report, by the time the process reaches the final stage, the migrant workers will have probably harvested the crop and departed for a new camp.

This vicious circle of ineffective enforcement is also enhanced by provisions in the Act which allow for a provisional license when the agricultural labor camp does not comply with all the provisions of the regulations. A temporary license may be issued for up to 3 months. A second waiver may be allowed; however, not more than two consecutive temporary licenses may be issued. The camp operator who receives a waiver must formally agree to a definite improvement program to correct the deficiencies that exist. Usually by the time he is required to make the improvements, the workers have left the camp.

Who is left to complain that the operator did not make the agreed upon changes? After the workers are gone, the problem in enforcing both the federal and state regulations pertaining to minimum housing standards for migrant camps in Michigan set the stage for possible code violations. Attention of this report is now focused upon the camps inspected to determine whether this was, in fact, true.

Preliminary Observations on Housing Conditions in Michigan Migrant Labor camps

An initial observation of the camps in Michigan concerned the failure on the part of the camp operators to properly display their licenses. Licenses must be displayed in a "conspicuous place" within the camp area. Nevertheless, of the 148 camps surveyed more than half did not have licenses properly posted. In addition, of those camps where the license was seen, nearly a fourth exceeded the maximum legal occupancy permitted under the license.

The fact that many camp operators were not complying with the simple requirement of showing their licenses is indicative of the widespread violations which were found to exist in the camps. More than half of the families could expect to find themselves in camps with debris about the grounds and with bad drainage – often standing water, which, in the warm summer months, rapidly causes an increase in the mosquito population. The camps were generally supplied with an inadequate number of garbage cans. Fifty-three (53%) percent of the camps in Michigan were reported to have garbage cans not tightly covered. The buildings, which in nearly three-fourths (75%) of the camps surveyed are of the cabin type, were judged structurally unsound or unsanitary. In nearly half (50%) of the camps, the units had rough floors, uncleanable walls, leaky roofs, leaky walls, wet floors, broken screens, faulty doors and missing screens. Each of these defects standing alone, create unsanitary conditions, when considered in conjunction with one another they aggravate the problem enormously.

Although, admittedly, it takes a high degree of technical skill to determine whether or not water is safe to drink, occupants of 15% of the camps surveyed felt that the water supply was unsafe; judgment was based on the color and/or smell, excessive sediment, and the fact that a large number of camp occupants had become ill after drinking the water. In one-fifth of the camps, the wells were located within 75 feet of the privy, a source of possible contamination. In three-fourths of the camps, the occupants must carry their own water. In only 18% of the camps was water piped directly into the living units.

Over 75% of the camps surveyed had inadequately lighted toilet facilities; one-fifth did not have a wall plug in each room; and one did not have electricity in each of its living units. More than one-half of all camps failed to provide adequate yard and pathway lighting.

As the statistics readily indicated, toilets remain one of the greatest hazards in migrant labor camps. More than 90 percent of the toilets in all camps are of the privy type. Privies were classified as unclean and were located too close to where food is prepared or served in 39% of the surveyed camps. Well over half of all the privies were poorly ventilated and less than one-fourth were fly-tight or had toilet paper and holders furnished.

In an environment that constantly exposes the workers to dust, dirt, mud and pesticides, less than a third of the camps surveyed provided adequate laundry facilities. Nearly one-third of the camps had bathing facilities which were judged unclean and unsanitary. Another third of the camps were without any bathing facilities whatsoever. About one-half provided adequate space for hanging and storing clothes.

Nearly 40% of the camps lacked any kind of heating system. The regulations require that camps occupied before May 31 or after September 1 be provided with heating equipment capable of maintaining a temperature of at least 68 degrees. The temperatures in Michigan during the summer months often are well below this. The heating systems which were provided generally consisted of the cooking stoves and other systems which utilized dangerous or volatile fuels, contributing to the fire hazards already in existence. The Michigan regulations stipulates that there be at least two means of escape in one-story dwellings. Only 57% of the camps met this requirement. In addition, less than half were provided with fire extinguishing equipment, which often was only a bucket or hose.

Perhaps one of the most common violations documented, although one of the most difficult to police, is that of overcrowding. More than half of the parents with children over six years old traveling with them are not provided sufficient privacy in the housing furnished them. Migrant workers coming to Michigan generally travel with their families. Recreation facilities are important for the safety of the children, who often are left by themselves in the camp while the rest of the family is in the fields. Such facilities were absent in 37% of the camps surveyed.

One other basic finding merits attention. In those camps housing workers recruited through the assistance of the Michigan Employment Security Commission, violations were found to be fewer than in those camps subject only to the Michigan regulations. Fourteen camps in the survey indicated that the workers were recruited through the federal system. The average violations for this group registered 13.8 per camp as compared to 15.3 per camp for the overall survey group. This indicates that when the camps come under the jurisdiction of the USDL regulations, conditions are somewhat better.

Chapter XI

DIARY OF A SUGAR BEET WORKER

CHAPTER XI – DAIRY OF A SUGAR BEET WORKER

Following is an account of a young college student who entered the migrant stream through the recruitment process in Texas and worked in the sugar beet fields in a mid-west state. The account is true and accurate.

The reader must consider that the writer is a 21 year old male in his third year at Antioch College. Bright and well-educated, the young man elected to enter the "stream" to gain first-hand documentation of the reality of migrancy – facts vs. fiction – and to determine if legal or other rational remedies might exist for the migrants.

He traveled in a crew of 40 hands, plus children and non-workers. Most were friends or relatives of the crew chief. Travel was a private auto plus a large 1967 truck with a bed of about 30' x 8'. The front half was loaded with personal belongings, the back section lined with benches which seated 15 to 20 persons. Their ages ranged from 6 months to about 65 years. The trip took about 44 hours. There was only one rest-stop of approximately an hour; even though the law required vehicles transporting migrants stop from 11 p.m. to 4 a.m.

It is interesting to note that despite the intellectual capacity, knowledge of resources, and the certainty that he could leave the crew whenever the situation became unendurable, that the young man became captive of the same fears of reprisals, and was immobilized by the confusions and complexities of their situation to the extent that he, no more than the migrants, could take positive action to alleviate their plight.

Additionally, weekly reports discussed other grievances encountered by the workers as indicated in the following letter written on June 24:

"We were not told exactly how many rows to an acre – we were not told how to account for the difference in row length when figuring acreage – we were not told the grassy section would be paid differently (and still don't know how much) – we were not instructed to work different sections differently, but do know that more or less work was required to clean up different sections. The shorter rows we were required to do for nothing."

From notes written while and after it happened, I'm going to try and reconstruct the last problems we had with the _____ in B_____, M_____.

Background:

Our crew was supposed to work for _____ at $1.80 an hour doing weeding and spot-thinning behind the new thinner. There was an unseasonable amount of rain during our first three weeks there, and we were thus prevented from working a good deal of the time. Those days that the weather did permit us to work were spent doing hoeing for other growers because _____ told us that his fields still weren't ready or that he hadn't been able to run his new thinner through them yet. Initially, there was a good deal of confusion about wages and how much work there was to be done. (The crew chief had informed the workers they would be paid $25 an acre with 10 rows to the acre.)

On the 27th day of June we began work in a 200 + acre field. We were to work under piece-rate payment system at the "going rate" (or legal minimum) of $15.50 per acre for the first thinning-weeding operation. We were told that the new thinner wouldn't work in that field due to the corn stalks and other protruding elements in the field. They had planned on using the machine there, and by the time we started the field, the beets were already a little bigger than the normal size, thus making the work a little more difficult, a little slower. I was told by a worker and a few others that I should do good work so that the second weeding would be fairly light, fast work.

The owners spent $25,000 or so to buy their equipment; thinner, weeder, etc. Through their own arrangements, or through the company, they also worked the rig in the fields of various other growers in the area. One of these growers had promised his crew of migrants that he would give them 200 acres of beets to work and that he would be using the machinery in other acreages. The crew knew and agreed to this before coming north and had made all plans in accord with it and the grower has kept his promise.

Sentiment is not so much against the machine or the process of mechanization; it is directed against the inconsiderate manner in which the transaction is made; the degradation which the migrants are subjected to by the grower. The obvious fact that you are being used to someone else's advantage is a characteristic of the migrant life. But when this fact is not even dimmed nor made less obvious by medium fair salaries, professed grower concern, etc., it is impossible to view the situation without some bitterness.

During the period of time we spent working that field, we lost almost eight days due to rain and wet ground. The grower's policy is not to let his beets be worked when the ground is the least bit wet; other growers in the area leave the decision up to the workers. All the rain added considerably to the size of the beets making the job just a little harder, though certainly not exceptionally so.

During the first hoeing, most of the workers pushed themselves as much as they could endure, though still trying to do very clean work – including scraping the bare spots in the rows so that weeds won't appear there later. Doing work this way requires considerable more time and effort and is performed in this manner almost exclusively for the purpose of facilitating the second weeding.

"La limpia" or the second weeding is held to be the work which yields more favorable to the migrant. This is the operation which makes his time and sweat in the first hoeing worthwhile.

During our first hoeing in this field, several of us wanted to make sure that we were going to do the second hoeing there also. M_____ remembered explicity asking A_____, the crew leader, three times. Each time he was answered with a "tiene que darnosla" – he has to give it to us. His affirmative answer assuaged the doubts, and work continued.

Over a week passed after the completion of the field without the second weeding being mentioned. We were supposed to leave in four or five days, and several people were concerned about winding up, taking care of all our remaining obligations, etc. One of these remaining was the second weeding, which we estimated would take two to three days to finish.

On Friday, June 18, six of us solos were working in that field cleaning up the small section where the machine was tested out and failed to perform well. We were all working pretty close together, discussing our various fields. I asked M_____ if the grower was still going to give us the second weeding there. A_____'s answer to that question was discussed and some doubt over its meaningfulness was expressed. A short time later, E_____, the brains and force of the two grower brothers, stopped by to see if we had found the rows alright and to bring us some water. He told us to take six rows at a time to finish off the section in one "whack". Before he left, I was asked to ask him about the second weeding. When faced with the question, he began to hem and haw in his accustomed manner for facing an unpleasant situation. He hedged for awhile, but finally said "no", and that he didn't intend for a second weeding in that field, especially at that time. With that, he mounted his tractor and drove off; his back being stared at balefully. There soon erupted a conversation which literally smouldered with the righteous anger which each of us felt. We discussed how things had been going in the state, how we had worked very hard in this field, and how this was the only field remaining in which the crew could earn some money. The possibility of bringing up the issue with A_____, the crew chief, cropped up and was quickly, sardonically discarded. Then he and his manner of arranging things (or rather not arranging anything) received the brunt of the hostility and criticism for a few minutes. The discontent, anger, and dissatisfaction that we felt was certainly not allayed any by the work we were doing. Each of the six rows that each person was working was very heavy with weeds, making for slow, hard work – no difference in what we would earn because we were working by the hour, but there still was dissatisfaction with the grower telling us to take the six at once instead of the normal two rows when there are many weeds.

We continued working, still discussing the issue. Although dissatisfaction, resentment, and anger were being voiced, **there was little thought as to what action could be taken, how the situation might be resolved.**

We returned to the camp about six p.m. and indirectly heard that E_____ had complained to A_____, the crew chief, that we had been slacking off that afternoon. This greatly increased the workers' hard feelings toward him because it struck at a basic fabric – the worker's pride in his labor. This is extremely strong among the Mexican-American migrants. In the evening we gathered together (the five singles plus R_____ V_____ (fortyish, married) and rehashed the whole issue. Special emphasis was placed on how the situation developed – largely due to the incapable handling of the contracting by A_____ – i.e., he received neither a written nor a verbal promise from the grower that he would give us the second weeding. He just assumed, implicitly, that the normal procedure would be followed and answered our later questions on that basis.

During the conversation, feelings became stronger, better expressed, more self-righteous, and – still – with no concrete alternatives considered.

The following day, Saturday, June 19, the entire crew went to work a field in a nearby town. There the solos lagged considerably behind the rest of the crew who were working fast; their laughter and songs could not be avoided. But neither a smile, nor laugh, nor idle gossiping could be heard among those few behind – just the sharp sounds of cursing and arguing, and the pregnant silences between them. At one point we discussed the rate of speed at which people were working (led by A_____). The solos were determined to work slowly, take an excessive amount of time to do a given amount of work. One worker said it like this – "Damn the grower – let him come and find us, his best workers, behind everybody else. Then he'll have grounds for a complaint."

At one point, several of the girls who were ahead of the rest left their rows to help the laggards. This was resented by those behind, and when the two groups met the girls were told that "we don't need any help; we could be out front if we wanted to. Go back to your rows and work real hard for our lousy boss." They attempted to recognize the good intentions of the girls, but this along with a thousand other things was lost in the tremendous communication gap. Division, resentment, anger, misunderstanding were the order of the day, **among the workers themselves.**

Shortly after the encounter with the "helpers," those behind picked up a little speed and drew closer to the main body of workers. The solos ourselves began to separate also – e.g., M_____, feeling much more angry and resentful than J_____ M_____, consequently worked slower. This division or estrangement or separation of workers was felt strongly by a few who were literally wracked with anguish at the situation. The problem was not analyzed or subjected to or seen within any logical framework. It was not seen as a problem to be resolved resulting in one, two, and three, but rather was just plain and simply felt. And it hurt.

As the morning wore on, interchanges among the solos, as well as between them and the others, grew very infrequent. When they occurred they were usually tense, bitter, non-understanding. Feelings were becoming more internalized (possibly felt more strongly?) – but they were still very visible in the faces, faces occasionally lifted to look down long rows of weed-lined beets, faces which in the same moment reflected something entirely different.

In the early afternoon, H_____, brother of E_____, and one of the growers, arrived and announced that he was walking around checking over the rows, far behind us – work we'd completed in the morning. At that time, I was working with two or three solos and a couple of girls somewhat behind the others. Upon his arrival, the girls sped up and urged us to do the same – which, of course, given the situation, produced a slowdown in our pace. The girls out of earshot, the grower was subjected to a good round of hostile cursing. We discussed whether or not we should take our complaints to him and it was decided that it would be better to talk with E_____, who had made the complaint against us and, also, had told us about the second weeding deal. E_____, rather than H_____, "wears the pants" or "is the brains" of the two.

When H_____ passed by us at a relatively safe distance of ten yards, I asked him if E_____ would be home in the evening. He said yes, and wanted to know why we asked. The solos said to tell him that we wanted to discuss a few things with him. Apparently H_____ thought that he was being evaded and persisted in his questions. We then told him about E_____'s complaint and our feelings about it. H_____ hemmed and hawed a bit, and explained away the complaint as not very important, probably arising out of a slight misunderstanding or bad judgement on his brother's part. He agreed that we should discuss the problem with E_____ if we still wanted to. H_____ then began to wax eloquent on their labor-management philosophy which amounted to this: When any worker employed by the Brothers was dissatisfied with any aspect of this total working situation, or

felt that there were problems to be resolved, then he should immediately go to one or both of the brothers to talk things over rather than letting the problem build up and causing more dissatisfaction or resentment. H_____ said this was their policy with all employees: tractor drivers, mechanics, or field labor. Running out of steam, H_____'s lecture fizzled out and apparently had no effect on the hard reality faced by the workers. H_____ seemed to have been cheered a little bit by his eloquence, and asked if there was anything else we'd like to bring up. The fellows said "yes." I asked, "why aren't you going to give us the second hoeing on our piece-rate field?" No sooner were the words out of my mouth than a very uncomfortable look appeared on H_____'s face, and he began to walk away, saying that "hum-hum, we have to talk that over; why don't you pass by the house in the evening?" He said he'd see us later, and walked away too rapidly. A man marked by uncertainty – by fear.

Thirty or forty yards down the field, H_____ stopped to talk with J_____ F_____. The derision and contempt for H_____ gave voice to a few shouts to the effect that he shouldn't talk with women about men's business. He quickly moved on, got in his truck and drove off. Anger, frustration, derision, contempt rose to surface among solos. There was slight communication with a few of the others, just briefly relating what H_____ had to say, and sarcastically describing how he ran off scratching his head when confronted with the big problem.

We finished the rows we were in and a section of short rows, then started back on some long rows at the side of a grove. There we were out of sight of the short section just completed. M_____ H_____ was somewhat behind the others and stopped to look around. When he did so he caught sight of H_____'s truck on the far side of the short section. He traced his steps back a little and saw H_____ talking with the crew chief. He knew well enough what the discussion would be centered on and was furious. He called me back and we stood, removed, watching them for a minute. Then M_____ yelled across the field to the crew chief that H_____ had told us that we would work now and discuss later – if so, then what the hell were they doing. On hearing the shout, both of their heads jerked up. H_____ glanced over at us and almost immediately began walking to his pick-up. M_____ felt that we should go over and crack both their heads a good chop with our hoes.

M_____ and I picked up our rows and continued working, talking, angrily discussing that which had just transpired. After we stopped talking, M_____ fell quite a bit behind. One of the girls with whom he had been spending some time, finished her row and helped M_____ with his. When they met, there was a short exchange between them which seemed to hurt them both in which M_____ told her that he'd prefer that she not help him. That day's weedy rows didn't have the determining voice in whether a person lagged far behind – rather the determining factor was mental anguish and the degree to which it was felt.

About one and one-half to two hours later, M_____ asked if I wanted to leave, that he was going back to the camp. Listening to the tone of his voice and looking at his face, I judged that it would be no escape from what he was feeling and would prefer to continue working than sitting around in that state of mind. I just answered no with a shake of the head and we all continued working until we all finished for the day, about 6:00 p.m. – very little talking.

In the evening we discussed the situation in the trailer. Present were the five solos, R_____ V_____, and three or four other boys. Feelings and discussion were strong, forceful. General feeling of the guys that evening – disgust, helplessness, separation, despair, and some anger. I knew that we had to confront the grower sometime and asked M_____ later in the evening if he wanted to go and received the expected answer – "If you want, let's go." Better to wait, it seemed to me.

Sunday, July 20th, dawned fairly clearly and the mental horizons began to clear somewhat also. The crew wasn't going to work Sunday. There was less despair, but spirits were still pretty low. After washing and waxing the car, there was nothing to do. In the early afternoon we borrowed some money from R_____ V_____ so that we could go "out." We drove to the lakes and spent the afternoon watching the swimmers and skiers there. E_____, the grower, was there and approached us as we walked by. He began talking about the weather, chatting, clearing his throat a lot. He was met with a few very hollow answers and soon turned to return to his charcoal broiler. Walking away, there was a good round of cussing and sarcasm directed towards his generous "non-offer" that we join him to have a bite to eat. We saw his boat trailer and 1969 Buick as we left, and half joked that if he gave us a ride in his motor-boat, we'd forget about the second hoe problem. I mentioned that he ought to be back around dark and that we might go talk with him – met with very strong, "si, vamonos!"

Sunday evening about 9:00 or 9:30, we drove over to E_____'s house – we being M_____ and J_____ H_____, J_____ M_____, L_____ V_____, A_____ V_____ and the crew chief, A_____ T_____ (almost forced to accompany us) and myself.

I explained to the guys before we went that I should mainly translate because if I acted as actual spokesman, the whole issue would be dismissed by the grower as only the problem of a student, a "beard," a rabble-rouser, rather than as a problem felt by the actual workers.

E_____ answered our knock and greeted us, saying that he was watching the T.V. coverage of the astronauts who were, at that moment, bouncing around on the Moon, shining brightly above our heads. He begrudgingly tore himself away from the set and came outside to talk with us. I briefly explained that we'd come to discuss some problems at his brother's invitation, saying that we were told by H_____ that the brothers wanted to discuss all problems with their workers.

To this, E_____ replied by nervously clearing his throat several times, and asked, "Where's A_____, (crew chief)? Didn't he come?" A_____ raised his head a little, and replied that he was present, which information was met by an embarrassed laugh-snort from the grower who hadn't noticed. He was worried that his "yes man," our crew chief, wasn't there to agree with everything he said.

I translated as the guys, principally M_____, brought up the complaint E_____ had made about our work, and their feelings about it. It was immediately evident that E_____ was going to back off on this issue. He was surprised that we had taken it that way, and claimed that it was only a suggestion that maybe we were slacking off a little bit. He was quick to agree that the workers shouldn't have to kill themselves, but added that he was afraid that the fastest workers had slowed down to the pace of the slowest. He named me and asked if I might be slowing down the others. This was met by a definite "no" by M_____ and the others without realizing the implications which I explained earlier. J_____ M_____ said that "if he doesn't want to pay us for those hours, tell him to forget it." E_____ weasled a bit more, cleared his throat some, and said that we were all good workers, that he didn't mean to offend anyone. What sincerity!!! It was priceless, in that it didn't cost him one red cent!

During a pregnant silence following this drawn-out

During a pregnant silence following this drawn-out interchange, E—— glanced longingly at his closed screen door, swatted a few mosquitoes, and made a few tentative "termination of conversation" gestures.

We resumed by asking again if he was going to let us do the second hoe in the contract field. We explained that the first hoe had been done under the assumption that we'd be given the second. Also, M——added that he'd asked the crew chief about that at least three different times and that each time he was told "tiene que" —he has to. We wouldn't have taken so much time cleaning bare spots in the rows, etc., if he weren't going to do the follow-up. E—— disagreed with this, saying that if that had happened then M——— wouldn't be working for him very long, E—— felt that work is done for the employer according to his (employer's) specifications, and that if an agreement cannot be reached then the worker should go elsewhere. This attitude may be correct and just, superficially—a very definite implication was that the dissatisfied worker would move on and be quickly replaced by another worker who would agree to conditions and quite often never complain about them. Of course, this is one of the most basic socio-economic problems of the unorganized migrant farm force. There always seems to be someone a little hungrier, a little less concerned about getting a fair deal, a person willing to sell his sweat and his backache for a few cents less.

Another point should be raised: The grower referred to an "agreement" being reached. In this case, it's fairly obvious that there was no "agreement" or even understanding or communication as to what was required, as to what was expected. Apart from this situation—is the "agreement" to be between the worker and the grower or through the crew leader? Usually it is through the crew leader who is interested, naturally, in looking out for himself. He might be wise, just, fair, etc., and try to obtain a good "deal" for his people; even trying, he might be really ignorant of what twentieth century Americans receive for their work and accept much less. Often times he might be good-intentioned and merely incompetent as far as negotiating working contracts, thus not obtaining what he could for his crew. And there are many crew chiefs, of course, who just don't recognize that getting a good deal for their workers is in their favor (and many times it's not!) or crew chiefs who know that the majority of their workers would rather make a bad deal than fight to improve, so why should they bother.

E—— argued that the field was very clean and that this was a result of this good field management and a result of a good job by the workers in the first hoeing. He told us that he did not want a second weeding done at all—piece rate nor by hours—because the field was just too clean. He informed us that if we wanted to stay until mid-August, he could let us have the second hoe by piece rate. At the time, of course, he knew full well that we were already committed to leave to pick pickles in Michigan at the end of July. This argument of "clean field—no second hoe" is not a rare misfortune for sugar beet workers. Many workers consider the w ages for thinning and those for weeding together: $15.50 plus $10.00. Usually the second hoeing is done over the entire acreage in the last three or four days whereas the first hoe would take five or six weeks. Prohibiting the worker from the second hoeing would cut off 40% of his earninga, but normally less than 10% of the total working time would be the equivalent (rather not equivalent, but corresponding) reduction.

E——(grower) next told us that we earned very good money on the first hoeing and that as far he he could see we had no claim to a second-hoe piece rate on grounds of "balancing" the wages of the first job. He said, as a generality, that we were making $30.00 or two-acres per day. This was false and was negated by the workers. Only two days of the approximately fourteen days in this field did several of the younger men do the claimed two acres per day. When they did, it was a very long and very killing day for them too. But, as I say, these few men on these few days were the exception, not the rule and would not have been able to do even half of that work if one of the growers had been prowling around looking for weeds and counting the number of plants per hoe-length.

E—— then followed by saying frankly that he never promised us the second weeding and that we never asked. Never asked HIM is right; but his agent, the crew leader, was asked several times! Apparently, he wasn't too comfortable with this statement and quickly, vainly reached for another support for his position. He called the present season a "whole new ball game" because of his new electronic eye beet thinner. By doing this he attempted to disprove the worker's claim of "traditionally" doing the second weeding by piece rate on the same acreage where the first operation was performed by piece rate. He cited his letter to the crew leader who wasn't able to come to beets this year, but sent his family and crew under his young brother-in-law which stated that the brothers had bought the thinner and planned for the labor to work in conjunction with the machine at an hourly rate of pay. Fine. It does appear to be a new ball game, thus invalidating the "traditional". But for the fact that the field under question could not be worked by the new machine, thus throwing it back to the same, customary, dual hand operation!

Also, apparently to break the workers' "traditional" claim, he recalled an example of three years past when the second weeding was done by hours in one field although it was a piece-rate thinning operation. He didn't go into the details very explicitly. From the workers who were there, I learned that it was an extremely dirty, weedy field at the time of the second hoe because an excessive amount of rain had fallen over a several week period after the thinning operation had been completed. Under these conditions the second operation would have required at least as much work, if not more, than the first hoeing. For this reason, the crew chief arranged for the crew to work by the hour. This case is the only exception that E—— brought up.

With this, an already positioned impasse was reached. There was a strong feeling of tension hanging like a thick fog all around the small group standing there in the dark. E—— made some nervous throat noises, nervously swatted at mosquitoes and finally broke the silence. He then made a few friendly gestures, hoped there were no hard feelings and proffered his hand to M——, who had done a good part of the speaking. M—— stood with his arms crossed, looking grimly to one side, clearly displeased, disgusted with the shabby offer of "friendship" which the grower was presenting to him. The painted smile faded quickly from E—— face, but the hand did not drop. M——glanced at it, and grasped it looking down at the ground.

I looked up at the moon, half- hidden behind some fleecy clouds and thought about the two men walking on the moon at that moment. And I thought about what

had just transpired between men on a sugarbeet farm, and I wanted not to believe the incongruousness of the two. But I had to, as do you, because it was, and is, our American reality.

Epilogue

On reaching our labor camp several minutes later, there was a short rehash of what had gone on between ourselves and the growers. Disgust of E——and his half-lies was evidenced with a resigned feeling of having "lost".

At one point in the discussion the two youngest members of the group (fourteen and sixteen years old) showed their complete ignorance, and lack of understanding of the problem. One spoke up saying that we "shouldn't expect something for nothing" and the other agreed with him. This was no surprise for the rest, coming from these two, and they were vehemetly told they didn't know what they were talking about and that it'd be wise for them to keep their mouths shut. Sad evidence of the fact that among the very workers themselves there are a few with no conscience, no sense of justice and injuatice who jeer and scorn those who do realize, and even though weakly, try to correct the bad situations.

Monday, the following day, the entire crew returned to the field nearby where we had worked Saturday. We finished up in the afternoon around 5:30 p.m.

Tuesday morning we glimpsed E—— at the camp who talked briefly with J——, came over to the cabin where the five singles live and told us that we, and a recently arrived family, were to go hoe soy beans at a nearby farm. The farmer had asked E—— to send some labor over to help out when he could. J—— told us the pay rate and how to get there and we said okay. As she walked away, I called to her to ask where the rest of the people were going to work. She kept walking.

Several minutes later we drove in M—— car, accompanied by the family's pick-up, to the bean field. I told the other guys that we could talk with the man in the employment office about our problem with E—— and the large field and that he might be able to help out. J——, M—— and I got back into the car to do that and also, to check the number of rows M—— and his brothers had done in the first section of the large field because there was a discrepancy between his number and that which J—— had recorded. We drove to the large field and quickly found out where the rest of the crew went to work! Two days after E—— told us there would not be a second weeding by piece-rate nor hy hours, he sent the crew down to work the same field by hours. And we also knew exactly why E—— specified that the five solos go work a couple miles away in another farmer's soybeans. He knew very well that we'd never enter that field to work by the hour because it was a crooked deal against the people. We weren't told where the other people would be working because he feared that we might convince them not to do it either. So we were cleverly placed in the dark, thus nicely preventing any action which might have been taken on our part.

We quickly resolved the discrepancy on M—— total and were watched closely by the rest of the crew as we counted off and established the position of his section. There was some bitter shouting back and forth over the work they were doing and why it shouldn't be done. Several answered: "We're being paid the same as yesterday where you worked!" The majority, though, seemed to be working with heads somewhat shamefully lowered.

Feeling our anguish, anger, and separation bear down on us, we quickly drove off. We headed for the town, several miles away, to talk with the employment official. Some of the problems concerned with this are:

(1) neither J—— nor M—— speaks more than a few words of English and would never have been able to explain the problem without a translator.

(2) their feeling was that since the other people would continue to work and not complain, our effort and voice would not count.

(3) inexperience in dealing with official or government agencies and the resulting fear and uncertainty on their part.

(4) never having been helped by the "Law" or the government before, and knowing it only through, and as, traffic laws, police, and taxes, they would not have thought of seeking help and doubted they would be helped anyway.

(5) a culturally-based pride in self-dependence and a similar semi-taboo against seeking "outside" help for what are considered to be personal problems is another deterrent to what would be considered by most other American citizens to be a normal recourse if faced with such a problem.

In addition to the above listed problems is the simple but vital one of where to go to find the person or agency. In town I did not know where the employment office was located and we just looked for a sign. When M—— saw a sign saying "Employment Office" on a plant building he turned in there. He, for lack of knowledge, thought any employment office could help us or would listen to the problem. I inquired of a lady inside where we could find the State Office, and she directed us to a small hotel in town. There we found an elderly lady behind the desk sorting mail. Upon inquiry she replied that she was the local clerk of the State Office. I explained briefly that we wished to speak with someone about a labor problem on a nearby farm whereupon she took out her Employment Office folder to try and find when the field representative was scheduled to visit the area. Not finding that, I asked the location and phone number of the main office in that area. This was located about thirty-five miles away. I talked with M—— and J—— to see if they were willing to drive over. M—— and I dropped J—— off at the soybean field and drove to the office to talk with the director, a Mr. T——. He listened quite amiably as we briefly described the situation. He told us that he could not do anything to help us and suggested that I call immediately the American Crystal Sugar Company field man in our area. Mr. T—— gave me the man's name and phone number and offered his phone so that I get in touch right away. The field man, was not home so I outlined the situation for his wife who promised that her husband would stop by at seven that evening.

M—— felt discouraged at this point, even more so than earlier, but still held more hope than I that the field man would correct the problem or at least talk with the grower about resolving the dispute. We talked some about the field man's job, his duties, etc., and considered the fact that the brothers grow quite a large amount of sugar beets and are better "farm managers" —with resultant better beet crops—than any of the other growers we worked for briefly in that area. For these reasons, I felt pessimistic about our chances of actually achieving a resolution of this unfair stand on the part of the grower.

In the evening we were told that the fieldman had arrived while M—— and I were in town, had left, and then came back around twenty minutes later, after we'd arrived. The field man and I, surrounded by five to six of the workers, had a long conversation about the problem. From the beginning it was made clear that the fieldman either could not or would not take the initiative to attempt to correct the situation. The American Crystal Sugar field man impressed me as being intelligent and aincere and a very good analyst of beet-related migrant problems. He explained the rationale for many migrant problems and for our own in particular. Due to his allegiance to his employer, American Crystal Sugar Company, it seems he was unable to use his rational explanations and analyses as a basis for a moral, ethical judgment. Rationally, man'a exploitation of weaker men may be explsined into eternity with every point having its counterpoint. But morally this exploitation can and muat be condemned and corrected without fail if we are to live our American ideals of truth, liberty, and justice.

Approximately three days later we received our checks from the grower brothers for work we had done. Open anger and hostility were not evidenced in our brief contact with him as we signed papers and figured the accounts. The solos only felt pity, digust, and resentment towards him for what he had done, for what he had caused us to go through. Although the grower usually tries to make sure at the end of the season that his best workers will return the next year, he had enough sense not to mention it to us. He would've been laughed at and jeered.

J—— informed me about a month later that her father had received a letter from the brothers thanking him very much for sending his family and crew to their beets. It said that the work done, as always, was excellent and that the season had gone very well, with no problems at all.

J—— and I smiled sadly at each other. Esto ea increible!

PART V

ACKNOWLEDGMENTS

LEGAL ADVISORY BOARD

Gary Bellows, Esq.
Western Law Center
UCLA
Los Angeles, California

Edgar Cahn, Esq.
Citizens Advocacy Program

Johnathan B. Chase, Esq.
University of Colorado Law School
Boulder, Colorado

Edward Sparer, Esq.
Yale University Law School
New Haven, Conn.

Joseph Segor, Esq.
So. Florida Migrant Legal Service Program
395 Northwest First Street
Miami, Florida

Pete Tijerina, Esq.
302 International Building
San Antonio, Texas

Mr. Stanley Zimmerman, Esq.
N.Y.U. School of Law
Washington Square South
New York, New York 10003

PARA-PROFESSIONALS

(Colorado Itinerate Tutors)

Edward Klump

Porfirio Garza

Lupe Rivera

Reynaldo De La Cruz

Rene Rivera

Much of the information serving as the base of this report was obtained through the cooperation of the Migrant Research Project's grantees. Their participation is gratefully acknowledged.

LIST OF GRANTEES

Mr. Joel Cooper
Bootheel Agricultural Service, Inc.
Cooperative
Post Office Box 233
Hayti, Missouri

Mr. Porfirio Garza
Citizens in Action Club
Post Office Box 397
Asherton, Texas 78827

Mr. Reynaldo De La Cruz
Colonias Del Valle
Post Office Box 907
San Juan, Texas 78589

Mr. Ralph Rivera
Colorado Migrant Council
665 Grant Street
Boulder, Colorado

Mr. Albert Lee
Community Civic Workers of Immokalee, Inc.
Post Office Box 195
Immolalee, Florida

Mr. McKinley Martin, Project Director
Delta Opportunities Corporation
Post Office Box 478
Sligo Road
Greenville, Mississippi

Mr. Tomas Villanueva
Farm Workers Co-op
Post Office Box 655
Topenish, Washington 98948

Mr. Elijah Boone
Glade Citizens Association
132 Southwest Avenue B
Belle Glade, Florida

Mr. Frank Cobb
Grand County Community Action Council
Post Office Box 1136
Ephrata, Washington 98823

Mr. Lauro Garcia
Guadelupe Organization, Inc.
8810 South 56th Street
Guadalupe, Arizona

Mr. Alex Mercure
Home Education Livelihood Program
131 Adams North East
Albuquerque, New Mexico

Mr. Cayetano Santiago, Director
Illinois Migrant Council
1307 South Wabash Street
Chicago, Illinois

Mr. L. H. Anderson
Lowndes County Christian Movement
Post Office Box 205
Haynesville, Alabama 36040

Mrs. Shirley Sandage
Migrant Action Program
Post Office Box 778
Mason City, Iowa

Mr. Clayton S. Mills
Migrant Health Project
Guadalupe House
Elm Acre
Endeavor, Wisconsin 53939

Mr. Walter Brudnowski
Migrant Health Project
Box 310
Wautoma, Wisconsin 54982

Mr. Robert Clark, Director
Mileston Co-op
Post Office Box 184
Lexington, Mississippi

Mr. James Boyleon
Monterey County Anti-Poverty
Coordinating Council, Inc.
153 West Gabilon S reet
Salinas, California 93901

Mr. Rudolpho Juarez
Organized Migrants in Community Action
132 Southwest Avenue B
Belle Glade, Florida

Mr. Paul F. Wilson
Polk County Christian Migrant
Ministry Association
1600 West Lake Parker Drive
Lakeland, Florida 33801

List of Grantees (cont'd)

Mrs. Alice Santana
Project Prep
P. O. Box 12
Watsonville, California 95016

Mr. Jorge T. Acevedo
Santa Clara County Economic
Opportunity Commission
40 North Fourth Street
San Jose, California 95112

Mr. John Brown
Southeast Alabama Self-Help Association
Post Office Box 871
Tuskegee, Alabama 36088

Mr. Daniel E. Becnel, Jr.
Southeast Louisiana Self-Help
Housing, Inc.
Post Office Drawer F
Reserve, Louisiana 70084

Mr. Gene Robles
Tri-Cities Latin American Association
624 North Adams
Pasco, Washington

Mr. Jesus Salas
United Migrant Opportunity Service
809 West Greenfield Avenue
Milwaukee, Wisconsin 53204

Mr. Tom Jones
Utah Migrant Council
c/o Center for Study of Social Policy
University of Utah
Salt Lake City, Utah

Mr. James Schrift
United Migrants for Opportunity, Inc.
111 South Lansing Street
Mt. Pleasant, Michigan 48588

Mr. Sam Martinez, Director
Valley Council for Community Action
Post Office Box 1665
Yakima, Washington 98901

Mr. Julian Herrara
United Farm Workers
8603 South Hixie
Erie, Michigan

Mr. Avelardie Debordo
Itinerant Workers
665 Grant Street
Boulder, Colorado

Mr. James Mason
Migrants in Action
Fort Lupton, Colorado

Miss Mary Lanzinger, Director
Catholic Better Community Development
Commission, Inc.
1601 Jefferson Avenue
Toledo, Ohio 43624

Mr. Albert Coleman, Executive Director
Northeast Indiana Migrant Council, Inc.
Fort Wayne, Indiana 46804

Mr. Gary B. Leishman, Administrative Director
No. Utah Community Action Program
179 Main
Logan, Utah 84321

The project reported herein was performed pursuant to a grant from the Office of Economic Opportunity, Washington, D.C. The opinions expressed herein are those of the author* and should not be construed as representing the opinions or policy of any agency of the United States Government.

(Photos from "Child of Hope" by Shirley M. Sandage, and Joe Moore Stewart have been made available for publishing in this report through the courtesy of A. S. Barnes Publishing Company, Cranbury, New Jersey.)

*Migrant Research Project

Sam Schulman, "The Future of Migrants," East Coast Migrant Health Conference, (Orlando, Florida), 1968.

THE FUTURE OF MIGRANTS

It might be well to state at the outset that the future of the seasonal agricultural migrant and his dependents is no future at all. That is, within the next few years the migrant population, as we now know it, will be substantially changed in both function and status, and that almost all of the present protagonists in this annual mobile tragedy will disappear from the agricultural scene. Those in the helping professions who are dedicated, however minimally, to meeting some of the many needs of agricultural migrants will turn to other tasks and may, indeed, meet again some of the same people they now serve in other roles or other guises. The human needs of these laborers attached to agriculture and their dependents will, in large measure, still be evident and the helping professionals may still be in the unenviable position of still trying to meet them.

It would certainly be nice if--through the manipulation of information to which I alone were privy--I could predict that some marvelous new industries were to spring suddenly upon the national horizon that would demand the special skills possessed by our migrant population, and that these new industries were to sap the ranks of migrant labor by offering its members decent wages and a way of life far superior to that which they presently possess, and that future contacts between the helping professionals and these ex-migrants (which I have mentioned previously) were to be at bridge parties, country club socials, or just visiting in tidy suburban homes. No, this is not what I mean at all. What I speak of is a striking change that will diminish greatly the numbers of migrant workers. Their "special skills" will not be in great demand for, in truth, they do not have any "special skills", and, if helping professionls meet them again, they shall be met as ex-migrants living out their lives as dregs in the shameful corners of deprivation of our country which are termed urban "ghettos."

Sam Schulman, Ph.D., Visiting Professor of Sociology, University of Florida

A special vote of thanks is here given to Dr. T. Lynn Smith, of The University of Florida, mentor and colleague, who critically reviewed an earlier version of this paper.

I shall attempt to explain and elaborate this rather dire prediction during the time allotted to me.

Any attempt at prediction involves making some guesses about what will happen in the future given a variation in one or more, or a complex of, factors which pertain to a situation. Even the most elaborate and sophisticated computerized simulation models must ultimately be based upon the assumed projection of factor variations. These variations, in turn, are not projected haphazardly or capriciously--they are based upon the knowledge of past and present experiences and trends. When, thus, I presume to guess about what shall happen tomorrow I do so on the basis of what has happened thus far, what is happening now, and the logical extension of these events into the future.

Further, if all of the pertinent information were at our fingertips and could be easily quantified, the predictions I would make could be transferred into fairly exact numerical equivalents. I should be able to tell you, within expected statistical limits, not only what will happen but when and how many people will be involved. This is not our case, however. Much of the information is not readily accessible, it is not easily quantifiable, and that which is quantifiable or quantified is often fragmentary if not downright erroneous. (We do not have accurate information on just how many migrants-plus-dependents there are in the several streams. "Reliable" estimates vary from one to three million!) The predictions I make today are, thus, qualitative rather than quantitative, general rather than specific. (I think that anyone who is aware of the factors would be able to tell us what shall happen. These factors which allow for prediction are neither hidden nor complex.) I am sure that, when all truly reliable data are assembled, these predictions will be validated.

People are not born to the status of seasonal migratory agricultural laborers in our society although, it is true, circumstances often make this status an unavoidable alternative for many Americans. Like any other "voluntary" situation there are factors which attract and retain recruits and other factors which repel potential recruits or prompt their rejection once incorporated. (In the literature on migration and mobility as social phenomena these are often referred to as "pull" and "push" factors.)

If we were in laboratory or classroom we could place the factors pertinent to migratory labor in two parallel columns so that we could gain a macroscopic view of the total situation. In the case before us, however, we would see under the "attraction-retention" column very few entries, while over on the "repulsion-rejection" side our column would be extremely crowded. Let us face the fact that agricultural seasonal labor has little

to recommend it. As Truman Moore, writing in the Atlantic Monthly, said: "The migrants who follow the harvest are the only people in America who are desperate enough for this work to take it."[1] Other than the presumed handful of "footloose and happy fellows" who "get their kicks by following the crops"--who are more mythological, I would think, than real, and who are gross rationalizations in the minds of the guilt-ridden or romantic--there are very few others who relish the idea of migrant labor. It is far from an attractive way of life. It is, in most cases, an only or last alternative which can promise nothing more than a low wage for the rudest form of manual labor. It is "making a living" or "scraping by" and little more than that. It might be said, in fact, that--as seen by the migrant--anything else that would give a living wage would be preferable to the uncertainties and iniquities of migrant farm work. Last week I had the opportunity of chatting with several Mexican-Americans previously in the East Coast stream, now in a retraining program in Florida (directed by my brother, Mr. George Schulman). Their new "careers" would make them equivalents of apprentice meat-cutters or food-handlers. Said one of these, "This thing we are now doing. This learning a way to feed my family and stay put. This is like a gift from God."

On the other hand, our crowded "repulsion-rejection" column lists almost innumerable factors which do not attract migrant labor or which impel workers to leave the streams. There are so many that it simplifies matters to lump them into composites or clusters: socio-cultural factors, psychological factors, and economic factors. These three clusters, as well as all of the factors encompassed by them, are intimately inter-related, although distinct from one another. They combine to form a total negative profile of agricultural migrancy.

The socio-cultural factors are the familiar composite face of rural poverty. Its specific dimensions we know well. There are constant lacks of all things which are necessary to feel accepted, and to be accepted, as respected citizens of a society. There is too little income, education, intellectual stimulation, proper food and nutrition, political participation, wholesome recreation, effective sanitation. Housing is rudimentary, if not primitive, and is, by any measure, inadequate. There are too few well-integrated families, and there are too many babies. As my wife--who is an instructor in public health nursing--puts it: "It is a life of one sorrow after another." To this face of rural poverty we add a mobility factor. Not only is this poverty, but it is fluid, transportable, and transported. It is the lowest echelon of rural poverty, for it is rootless: it "belongs" nowhere.

Consider the psychological cluster of factors. These rural mobile poor are alienated from the mainstream of American life physically and psychologically. They are only passing

witnesses of what goes on in the villages, towns, and cities along their routes. Strangers on the road, they are even strangers in their own home areas where seldom do they qualify, legally or socially, as permanent residents. The communities to which they come can be said to tolerate them temporarily but they are not accepted. Note how they are welcomed as peak harvest approaches, but note, too, how unwelcome they are once the crop is in. "Ignorant Negroes" or "Ignorant Mexicans" are useful for some weeks, or even months, during the year, but who wants such permanent ignorant additions to a community? Often, while on "the season," crew leaders manipulate the ignorance of their workers for their own convenience and profit, and not a few growers are guilty of abiding such abuse, perhaps even profitting from it themselves. Alienation, toleration, rejection, repression, and exploitation cannot but be accounted as factors which make the way of the agricultural migrant unattractive.

Low wages have already been mentioned as a repelling factor, but they bear mention again within the specifically economic sphere. The cheapness of their labor enhances the utility of migrants for growers. Needless to say, if all other factors were kept constant, but better wages were available to migrant workers in other parts of the economic sector, the ranks of the seasonal agricultural labor force would be dramatically depleted, and probably overnight. (Or, on the other hand, if the mobility factor were mitigated and low wages were to remain constant, there would also be an exodus from this segment of the labor force. In "settling-out" areas I have visited in the North, many ex-migrants are faring no better economically than they did while in the stream but, at least, they are establishing some roots.)

Let me now come to another economic factor--a special factor which calls for elaboration--which has already made some negative impact on migrancy and which will make an even greater impact within the next few years: technological displacement.

The American farm operator is typically not prone to extravagance, undue experimentation for the love of trying new things, radicalism in change, or indulgences in frills for the sake of making neighbors envious. Rural life tends toward the conservative and, although the gap between farmer and urbanite has narrowed considerably in recent years, the former's conservatism remains a social and political reality. Moreover, he is fast becoming an agricultural businessman, and his economically productive activities may be accurately referred to as "agribusiness." As a businessman he is likewise not prone to extravagances which, directly or indirectly, do not add to his margin of profit. It is a known fact that marginal agricultural producers have gradually been forced out of agribusiness and that, each year, fewer operators control larger enterprises.[2]

(In addition, more direct association between farm operators and city-based entrepreneurs, uniting large-scale agriculture with large-scale commerce and industry, is a growing trend. The farming policies affecting thousands of acres of cropland around Immokalee, Florida, as an example, are made by a board of directors in New York. This board not only governs the production of tons of perishable agricultural products, but is also involved in industrial pursuits, one of these the inundation of the American scene with a popular brand of carbonated beverage.)[3] The successful farm operator is one who is competitive in agribusiness. He also tends to be a specialist, dedicating the greater part of his large acreages to single enterprises: beans, beets, cherries, strawberries, corn, wheat, beef, what have you. Or, he may have large sums of money and wide acreages devoted to "tried and true" combined specialties such as corn and hogs, or rice and beef. The farm operator does not hold his enterprise together by wishing and gambling, but by hard work, sharp management, and large capital outlay.

Let us look at this farm operator, now, in summary. He is conservative, an agribusinessman, more than likely a specialist. He is neither visionary nor a dreamer; he is the essence of practicality. With such a group as principal players in American agriculture, how impressive and surprising are predictions of "radical" change from hard-headed agribusinessmen about what their immediate future portends.

In November, 1966, the Farm Journal, the most important of magazines reflecting the views of the modern independent American farmer, ran a series of short articles on "Farming in 1976," a decade from the date of publication. The authors were not government officials or university professors but people who lived and worked on farms. At times it was obvious that the authors were writing out of their own experience, at other times they echoed the points-of-view of larger groups with similar experiences.

Ervin Neyhouse, an Indiana grower, wrote:[4]

> "The bulk of fruits and vegetables even for the fresh market, will be planted and harvested by "robots"--sophisticated machines requiring skilled operators. Apples, which have long defied mechanical harvesting, will probably succumb to the machine by 1976.
>
> Plant varieties will be developed which are more adaptable to machine picking. Some varieties will be changed to ripen at the same time; sometimes only the size or shape of the plant will be altered.
>
> By 1976 you might be able to spray a tree to keep it at a desired height, or spray to get ripe fruit at the same time. You'll see more trellising and training of plants to make harvesting easier."

Gus Evans, a Mississippi farmer, stated:

"Vegetable growers agree that if a crop isn't mechanized, we won't grow it. Vegetable harvesting will be largely mechanized.

Fruits will also be harvested by machines by 1976. Some fresh-market fruit may be hand-picked, but from a moving platform. Trees will be close-spaced and shaped to provide the maximum surface for fruit growth and a uniform face to the mechanical or human picker."

Evans reported another farmer saying, "We've got to grow fewer crops so we can grow more of each one and afford the machinery it takes." A busy farm homemaker, Mrs. Mary Bumgardner of Ohio, collating the opinions of 120 other farmers' wives, noted that farming enterprises had to get "bigger."

Getting bigger means more automation to most women--with less hired help on the farm. So they see themselves pushing buttons and handling clean, air-conditioned, and smooth-riding farm machines. Many believe that family members (husband and wife, if the children are away) will do the farming with big one-trip-over machines. One farm woman foresees three 8-hour shifts a day in certain peak seasons with family members taking turns on this type of machine. Others think machinery companies might be planting and harvesting crops for farmers.

Some farm women see their husbands primarily as managers (in perma-pressed work clothes) with part-time help from trained agriculturists, analysts, and custom workers. "Farmers will have professional status in another decade."

In the opinion of farm people themselves, the successful (the average?) agribusinessman of the not-too-distant future will incorporate within his life pattern ever greater aspects of the advances brought about by technological development. The most important of these technological advances is a complex, the focal entity of which is mechanized harvesting. The implications of these growers' attitude concerning their own future for migratory agricultural labor we shall examine in a moment. How far, we may ask, has mechanical harvesting already progressed?

In the United States today all grains for the commercial market are completely harvested by machine. Only remnants of the farming population--usually small-scale operators and usually in rough country--still depend upon manual field help to harvest cotton. Bean pickers, pickle pickers, potato harvesters are becoming commonplace. Sugar beets which, twenty years ago, were almost entirely harvested by hand are now almost exclusively harvested by machine. Almost all the "sturdy" crops are now within the area of competence of the machine.

More impressive, however, is the progress being made with devices for harvesting the easily injured perishable crops. Dr. Clarence F. Kelly, Head of the Agricultural Experiment Station of the University of California at Davis, reported the following in August, 1967.[5]

> "Within the past five years a...dramatic advance has taken place in...the picking of tomatoes. In California, where 125,000 acres were devoted to tomato growing, the growers used to have to recruit 40,000 workers at the season's peak to harvest the crop by hand. Two investigators at the California Agricultural Experiment Station at Davis--an agricultural engineer and a plant biologist--undertook to develop a system for mechanizing tomato picking. They attacked the problem on two fronts. Gordie C. Hanna, the biologist, would breed a tomato plant designed for machine handling. The plant would bear tomatoes that were of uniform size and all ripened at the same time, that could easily be detached from the vine but would not drop off prematurely, that had a skin tough enough to withstand mechanical handling, that would store well and that would be pleasing to the consumer in flavor and other qualities. Coby Lorenzen, Jr., the agricultural engineer, meanwhile would work on the design of a machine that would harvest this tomato rapidly, efficiently and at reasonable cost.
>
> After 10 years of study, experiments and development the two men achieved their objective in 1962. The plant was ready and so was the machine: a harvester that cut off the plant at ground level, lifted it, shook off the tomatoes and deposited them in a bin in which they were hauled off to the processing plant... The tomato "combine" won remarkably rapid acceptance. Within three years this machine was harvesting 24% of the California tomato crop; last year 800 of the machines were available and picked almost 80% of the crop; this fall, with at least four major manufacturers now producing machines, a large percentage of the tomatoes grown in the U. S. for processing will be harvested by machine.

A rapid trip through the Agricultural Index of the past four or five years shows us that even the most difficult crops to harvest are being "programmed" for machine harvesting. There is not one major crop in the United States that has not extracted an investment of time, energy, and large amounts of money, all devoted to discovering or refining mechanical harvesting devices specific to it. The technical problems of mechanized harvesting

diminish before the onslaught of the applied scientist. Machines can now be designed for economy, delicacy of handling, size grading, even for color sensitivity. Kelly notes that researchers have logged the fact that a prune-tree vibrator (to shake the ripe fruit onto a padded catching frame) does better in shaking down a tree at 400 cycles per minute and two-inch amplitude, than at 1,100 c.p.m. and a one-inch amplitude. The fact logged, the machine will be designed and built accordingly.

The farmers' predictions for 1976 are fast becoming realities. Producers of farm machinery, governmental and educational agencies, and farm operators themselves have teamed together to create agricultural technical "miracles" in rapid succession. This is hardly the case of scientific innovation for the sake of the sheer joy of discovery--far from it. The demand is great for these advances because they follow hard upon the trend towards a businesslike agriculture, and because they have proven to be eminently economically feasible. Not too many generations ago, thousands upon thousands of migrant agricultural workers reaped wheat by hand through the great wheat belt stretching north from Texas into western Canada. Today the image of hand harvesting of wheat is associated in our minds with people in those parts of the world that are "underdeveloped". Hand-reaping is no longer a factor in American wheat production, for the economic appropriateness of the machine is so obvious to all. Let us look at some other crops, only now on the verge of this mechanical revolution.

The Blackwelder Pickle Harvester is a once-over machine that is designed to harvest pickles that vary from 7/16 to 2 3/8 inches in diameter and does a better job of picking the smaller fruit than manual pickers. It reduces the harvesting labor force by 90%.[6] Kelly reports a snap-bean harvester with even greater economic potential. This machine will decrease the cost of harvesting snap-beans by 75% as against manual labor on a moderate-sized farm (200 acres), and by 89% on a large-sized farm (500 acres). The machine itself is paid for in five years. Further, the snap-bean harvester does ninety times more work per hour than a manual picker. In effect, at an optimal rate of production, this machine does the work of ninety people.[7] A snap-bean area of large farms which today employs 5,000 seasonal workers at peak harvest could reduce this number to about 165 men working fifty-five machines in three-man crews. The need for almost 5,000 "stoop" laborers disappears. And what of the other crop-types that still require hand picking? What will happen to migrant laborers who pick cherries in the Traverse City area of Michigan when an economically feasible cherry-picker is perfected, or in Orange County, Florida, when a truly adequate citrus harvester hits the groves? Even now there is an experimental citrus harvester that can clear a tree in two to three minutes. The advent of the citrus harvester, now on the verge of commercial production, led the St. Petersburg Times on March 11, 1968, to predict the displacement of 12,000 seasonal laborers in central Florida within the next five years.[8]

A more-than-likely conservative estimate, given the present trend of technological advance in mechanization, is that 90% of the seasonal agricultural labor force in the United States will be sluffed off in the next decade. Even if the trend is retarded, there is bound to be a wholesale displacement of these least-regarded farm workers during this period. The United States Government reports a gradual dimunition of all farm employment over the years as well as a continuing reduction in the number of seasonal workers:[9] and this before the major impact of the mechanical harvesting of perishable crops has taken place. When it does take place, the migrant streams--as we have known them--will have changed in composition and function or will no longer exist.

In constructing an economic impetus model for mechanization we must perforce face another reality. Impelling the grower towards mechanization are any inputs which increase his cost of production. The present moves towards labor unionization of migrant workers which may result in better wages is, indeed, such a prod. Legislation designed to force growers to provide better housing facilities for their seasonal workers, to guarantee them the protection of the law, to improve their social well-being---if any of these mean that the grower will have to dig deeper into his pocket, the greater his demand for mechanical replacements of no longer docile, tractable, unprotected, and ignorant workers.

The technological displacement of vast number of people in the migrant streams does not end our story. There is more to predict. What will happen to these one-to-three million rural people who live and move in poverty? An oversimplified answer is that this particular form of mobility will cease while the poverty continues. Under present national conditions, is there any other logical alternative?

The rural hinterland that has spawned the migrant cannot reabsorb him. As the eminent rural sociologist, Dr. T. Lynn Smith, has carefully documented,[10] and as those familiar with the American rural sector know from experience, our decreasing rural population represents, above all, an exodus of marginal and sub-marginal competitors from agriculture. There really is little use in agriculture--as in any other business--for those who cannot produce competitively. In the Deep South we have an excellent illustration of this. The small cotton operator who could not compete with large-scale growers was squeezed out of his farm. He joined the ranks of the sharecroppers and wagehands who were still of use in a quasiservile capacity in the cotton fields. In the past two decades, the sharecropper himself has been squeezed out by the mechanical cotton picker. Some former "croppers" have taken to itinerant farm work and are members of the East Coast stream: most, however, have gone

to areas of greater hope and some opportunity, the southern cities and, in ever increasing numbers, to northern and western cities. When the migrant streams diminish even the wandering farmhand will be squeezed out of the hinterland. There is no place for him in the rural areas that have already rejected him once or twice further up the tenure ladder.

With mechanization certainly a small number of workers will be retained in rural areas. Someone has to operate and maintain the machines of agribusiness but, we must bear in mind that these functions require a high level of skill. The migrant worker will rarely qualify on this account: he is unskilled or, at best, a low-order semi-skilled laborer. What we shall probably see, as noted previously by Mrs. Bumgardner in the Farm Journal, is family operation of family-owned equipment. Or, perhaps, we shall see a new breed of soft-crop contract machine crews similar to those who harvest the bulk of America's wheat on the western plains: well-paid, skilled, many of these owners of the machinery they use. It may be that manufacturers themselves will sell the services of skilled operators along with the rental of machines which they produce. We may, indeed, have a new kind of migrant harvesting perishable crops--a mobile technician--but he will bear little resemblance to the stoop-labor migrant whose troubled future now concerns us.

The unschooled and unskilled migrant, unabsorbable in mechanized agriculture, is equally unabsorbable in the little villages and towns which service the open country: he has nothing to offer them. They, too, are losing population which they cannot effectively emplo . The only places which may not wish to, but can, and must, make room for future incursions of the squeezed-out segments of American rural life are the cities. In particular it shall be the slums of our cities, already congested and constant targets for the hinterland's excess poor, which shall absorb the cast-offs from the migrant streams. The "Mexican towns" in places like San Antonio, Los Angeles, Toledo, and Detroit, and the beehive black "ghettos" throughout the nation, shall continue to bear the brunt of the influxes of the rural poor. Slum existence is the future for our migrants and their children.

This is a dismal picture. How very much I should like to be proven wrong. It seems inevitable that this sad prediction shall be a sadder reality in the next few years. Certainly--assuming that such a prediction may be accepted as a guide-for-action--attempts can be made to avert even further deprivation for three million already-deprived people. Great amounts of effort and expenditures are called for in our present "war against poverty" which, in large measure, have not been forthcoming: this is the most understaffed, underfinanced, and under-equipped war our country has ever waged. The future plight of the migrants and their families is just one more rag-tail battle

t to be fought. Who shall fret about the re-education and
location of people who are, at least, minimally gainfully em-
oyed when right now in the core areas of almost every American
ty the shame of slum life is still evident, poverty still
rives, and our present war goes on un-won!

Footnotes

[1] Truman Moore, "Slaves We Rent--The Shame of American Farming," The Atlantic Monthly, May, 1965, as reprinted in Herman P. Miller, ed., Poverty American Style (Belmont, California: Wadsworth Publishing Company, Inc., 1967), p.137.

[2] Cf. James H. Copp, "The Future of Rural Sociology in an Industrialized Society," p.344, and Olaf F. Larson and Everett M. Rogers, "Rural Society in Transition," pp.42-53, in James H. Copp, ed., Our Changing Rural Society: Perspectives and Trends (Ames, Iowa: Iowa State University Press, 1964).

[3] Personal communication from the South Florida Migrant Legal Services, Immokalee, Florida.

[4] All citations from the Farm Journal are from the series of short articles on "Farming in 1976," pp. 40-46 of the November, 1966, issue of that magazine.

[5] Clarence F. Kelly, "Mechanical Harvesting," Scientific American, 217:57-58, August, 1967.

[6] "How Many Pickles Will This Pickle Harvester Pick?" Agricultural Engineering, 48:452, August, 1967.

[7] Kelly, op.cit., p. 59.

[8] "The Orange Revolution" (Editorial) St. Petersburg Times, March 11, 1968.

[9] From Table 2: Labor Force Statistics on Farm and Nonfarm Labor, p. 784, in Hearings Before the Subcommittee on Migratory Labor, Committee on Labor and Public Welfare, 90th Congress, 1st Session (Washington: U.S.G.P.O., 1968).

[10] T. Lynn Smith, The Sociology of Rural Life (New York: Harper and Brothers, 1953), pp. 174-175, 177-179.

Senator MONDALE. We now stand adjourned until your next hearing.
(Whereupon, at 12:15 p.m. the subcommittee adjourned, to reconvene at the call of the Chair.)

○

AMHERST COLLEGE LIBRARY
DATE DUE